

SENATE JOURNAL  
OF THE  
Forty-Second Legislature  
OF THE  
STATE OF WASHINGTON  
AT  
Olympia, the State Capital

Convened January 11, 1971  
Adjourned Sine Die March 11, 1971

Compiled, Edited and Indexed by  
SIDNEY R. SNYDER, *Secretary of the Senate*



DOROTHY GREELEY, *Journal Clerk*

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JOHN A. CHERBERG, *President of the Senate*  
AL HENRY, *President Pro Tempore*  
JAMES E. KEEFE, *Vice President Pro Tempore*

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## SENATE CAUCUS OFFICERS

### DEMOCRATIC CAUCUS

ROBERT C. BAILEY, *Chairman*  
R. R. BOB GREIVE, *Floor Leader*  
WILLIAM A. GISSBERG, *Majority Whip*  
REUBEN A. KNOBLAUCH, *Secretary*

### REPUBLICAN CAUCUS

R. FRANK ATWOOD, *Chairman*  
PERRY B. WOODALL, *Vice Chairman*  
JAMES A. ANDERSEN, *Floor Leader*  
BOB MCDUGALL, *Minority Whip*  
HARRY B. LEWIS, *Secretary*

BILL GLEASON, *Assistant Secretary*  
CHARLES L. R. JOHNSON, SR., *Sergeant at Arms*  
FLORENCE T. KENDERESI, *Secretary to the Secretary*  
VERNE SAWYER, *Reader*  
DOROTHY GREELEY, *Minute Clerk*

**JOURNAL OF THE SENATE**  
**STATE OF WASHINGTON**  
**FORTY-SECOND LEGISLATURE**

**FIRST DAY**

Senate Chamber, Olympia, Wash., Monday, January 11, 1971.

**AT NOON**

The Forty-second Senate of the state of Washington assembled at the Senate Chamber in the State Capitol, pursuant to law at noon. Lieutenant Governor John A. Cherberg, President of the Senate, called the Senate to order.

The Color Guard consisting of Pages Kathy Sue Walgren, Color Bearer, and Andy Ridder, presented the Colors. Father James McGreal, pastor of St. Michael's Church of Olympia, offered prayer as follows:

"At the outset of this year's legislative session, our thoughts should be turned to our Creator, God of wisdom, might and justice, through Whom authority is rightly administered, laws enacted and judgment decreed. Heavenly Father, be pleased to inspire the members of this Senate with the counsel and fortitude needed for them to enact legislation that will be eminently useful to the people—as well as to the districts they represent in this sovereign state. May the light of Your divine wisdom help to direct the deliberations of this Senate so that it will be mirrored forth in all the proceedings and laws framed for the rule and government of the people in our thirty-nine counties. Difficult as this assignment is at times, enlighten this body with Your constant assistance—to the end that their constituents will be well served and duties will be discharged in the respective areas with honesty and ability. This we ask in Christ's name. Amen."

**ROLL CALL**

The Acting Secretary called the following roll of holdover members of the Senate and all were present: Robert C. Bailey, John L. Cooney, William S. Day, Hubert F. Donohue, Charles W. Elicker, Frank W. Foley, William A. Gissberg, Al Henry, Francis E. Holman, Elmer C. Huntley, James E. Keefe, Reuben A. Knoblauch, Harry B. Lewis, Bob McDougall, Jim Matson, Charles E. Newschwander, Gary M. Odegaard, Lowell Peterson, Gordon Sandison, Joe Stortini, Don L. Talley, Gordon Walgren, Bruce A. Wilson.

**APPOINTMENT OF SPECIAL COMMITTEE**

The President of the Senate appointed a committee of honor to escort the Honorable Marshall A. Neill, Justice of the Supreme Court of the state of Washington to the Senate Chamber and a seat upon the rostrum. The committee consisted of Senators Foley and Woodall.

Justice Neill was thereupon escorted by the Acting Sergeant at Arms and the special committee to a seat upon the rostrum.

The following recapitulation of votes cast at the General Election and certificates of election from the Secretary of State were read by the Acting Secretary of the Senate.

## MESSAGE FROM THE SECRETARY OF STATE

Office of the Secretary, Olympia, Washington, January 11, 1971.  
TO THE HONORABLE, THE PRESIDENT OF THE SENATE,  
THE LEGISLATURE OF THE STATE OF WASHINGTON,  
OLYMPIA, WASHINGTON.

SIR:

I, A. Ludlow Kramer, Secretary of State of the state of Washington, do hereby certify that the following is a full, true and correct list of the persons selected to the office of State Senator at the General Election held in the several voting precincts in the state of Washington on the third day of November, 1970, as shown by the official returns of said election now on file in the office of Secretary of State; together with a list of "holdover" Senators from the forty-first session of the Legislature and that all of the following are entitled to seats in the Senate of the Legislature of the state of Washington, at its forty-second biennial session commencing on the eleventh day of January, A.D., 1971, as appears from said election returns:

## LIST OF SENATORS ELECTED NOVEMBER 3, 1970

<i>District</i>	<i>Name</i>	<i>Counties Represented</i>
No. 6	Sam C. Guess	Spokane, part
No. 7	Robert W. Twigg	Spokane, part
No. 8	Damon R. Canfield	Yakima, part; Benton, part
No. 13	Nat Washington	Grant, Kittitas
No. 15	Perry B. Woodall	Yakima, part
No. 21	Jack Metcalf	Snohomish, part
No. 26	Booth Gardner	Pierce, part
No. 29	John T. McCutcheon	Pierce, part
No. 30	John H. Stender	King, part
No. 31	Gordon Heer	King, part
No. 32	Pete Francis	King, part
No. 33	Frank Connor	King, part
No. 34	R. R. Bob Grajve	King, part
No. 35	Robert C. Ridder	King, part
No. 36	John Murray	King, part
No. 37	George Fleming	King, part
No. 38	August F. Mardesich	Snohomish, part
No. 42	R. Frank Atwood	Whatcom
No. 43	Jonathan Whetzel	King, part
No. 44	Ted G. Peterson	King, part
No. 45	Fred H. Dore	King, part
No. 46	George W. Scott	King, part
No. 47	Martin J. Durkan	King, part
No. 48	James A. Andersen	King, part; Snohomish, 1 precinct

## LIST OF HOLDOVER SENATORS

<i>District</i>	<i>Name</i>	<i>Counties Represented</i>
No. 1	Francis E. Holman	King, part
No. 2	Bruce A. Wilson	Okanogan, Pend Oreille, Stevens, Ferry
No. 3	James E. Keefe	Spokane, part
No. 4	William S. Bill Day	Spokane, part
No. 5	John L. Cooney	Spokane, part
No. 9	Elmer C. Huntley	Whitman, Lincoln, Adams
No. 10	Charles W. Elicker	Island, Kitsap, part
No. 11	Hubert F. Donohue	Asotin, Columbia, Garfield, Walla Walla
No. 12	R. D. McDougall	Chelan, Douglas
No. 14	Jim Matson	Yakima, part
No. 17	Al Henry	Klickitat, Skamania, Clark, part
No. 18	Don L. Talley	Cowlitz, Wahkiakum
No. 19	Robert C. Bailey	Pacific, Grays Harbor, part
No. 20	Gary M. Odegaard	Lewis, Grays Harbor, part
No. 22	Harry B. Lewis	Thurston
No. 23	Gordon L. Walgren	Kitsap, part
No. 24	Gordon Sandison	Clallam, Mason, Jefferson
No. 25	Reuben A. Knoblauch	Pierce, part
No. 27	Joe Stortini	Pierce, part
No. 28	Chas. E. Newschwander	Pierce, part



No. 39	William A. Gissberg	Snohomish, part
No. 40	Lowell Peterson	San Juan, Skagit
No. 49	Frank W. Foley	Clark, part

I further certify that as of December 3, 1970 the Board of Benton County Commissioners and the Board of Franklin County Commissioners in joint session appointed DAN JOLLY to the position of State Senator, 16th Legislative District, to fill the vacancy created by the resignation of State Senator Mike McCormack.

Further, that as of January 8, 1971 the King County Council appointed GEORGE W. CLARKE to the position of State Senator, 41st Legislative District, to fill the vacancy created by the resignation of State Senator Brian J. Lewis.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this eleventh day of January, A.D., 1971.

(Seal of the State of Washington)

A. LUDLOW KRAMER  
Secretary of State.

#### ROLL CALL

The Acting Secretary called the roll of the following newly re-elected Senators and all were present: James A. Andersen, R. Frank Atwood, Damon R. Canfield, Frank T. Connor, Fred H. Dore, Martin J. Durkan, Peter D. Francis, R. R. Bob Greive, Sam C. Guess, Gordon Herr, John T. McCutcheon, August P. Mardesich, Jack Metcalf, Ted G. Peterson, Robert C. (Bob) Ridder, John H. Stender, Robert W. Twigg, Nat W. Washington, Perry B. Woodall.

The President requested the Acting Sergeant at Arms to conduct all of the newly re-elected Senators to the bar of the Senate to receive their oath of office.

Justice Neill of the Supreme Court of the state of Washington thereupon administered the oath of office to each of the newly re-elected Senators.

The President presented to each of the newly re-elected Senators his certificate of election.

#### ROLL CALL

The Acting Secretary of the Senate called the roll of the following newly elected and appointed members of the Senate and all were present: George W. Clarke, George Fleming, Booth Gardner, Dan Jolly, John S. Murray, George W. Scott, Jonathan Whetzel.

The Acting Sergeant at Arms escorted each of the newly elected and appointed members of the Senate to the bar of the Senate to receive his oath of office.

Justice Neill of the Supreme Court of the state of Washington thereupon administered the oath of office to each of the newly elected and appointed members.

The President presented to each of the newly elected and appointed Senators his certificate of election.

#### MESSAGE FROM THE SECRETARY OF STATE

Office of the Secretary, Olympia, Washington, January 11, 1971.  
TO THE HONORABLE, THE SECRETARY OF THE SENATE,  
THE LEGISLATURE OF THE STATE OF WASHINGTON,  
OLYMPIA, WASHINGTON.

SIR:

The sponsors of five Initiatives to the Legislature have filed supporting signatures with my office on or before the statutory deadline as of December 31, 1970. The measures as captioned by the Attorney General are as follows:

- No. 38: Certain Cities—Greyhound Racing Franchises.
- No. 39: Licensing Dog Racing—Parimutuel Betting.
- No. 40: Litter Control Act.
- No. 43: Regulating Shoreline Use and Development.
- No. 44: Statutory Tax Limitation—20 Mills.

My statutory duty is now to cause the signatures supporting these initiatives to be compared against the signatures of registered voters on file in my office to determine whether or not the respective sponsors have submitted the necessary minimum number of valid and unduplicated signatures for certification.

The sponsors of Initiatives Nos. 40, 43, and 44 have filed a sufficient number of signatures to permit the application of the statistical sampling technique as authorized by the 1969 Legislature. However, because of a lesser number of signatures filed, it appears that it will be necessary to hand-check all signatures filed by the sponsors of Initiatives Nos. 38 and 39, both relating to dog racing.

For this reason, I anticipate that the status of Initiatives Nos. 40, 43, and 44 will be determined on or before February 1, 1971 and that the determination of the dog racing initiatives (Nos. 38 and 39) will follow as soon as possible.

In any event, as the canvassing of each initiative measure is completed, an official report will be given simultaneously to both branches of the Legislature.

Respectfully,  
A. LUDLOW KRAMER  
Secretary of State.

#### PRESIDENT'S PRIVILEGE

Mr. President: "The President, once again appearing before the apex of the legislative branch of the fifty state government, feels compelled to extend words of greeting and welcome to his contemporaries of past years, especially to the newly elected and appointed members of the Senate. Also, I should like to welcome the officials and the staff of the State Senate without whom we could not conduct our business and of course the august members of the fourth estate are welcome at all times. We also wish to include you in our greetings, Mr. Lemon, Mr. Pyle, and your contemporaries.

"It is always nice to have so many members' families present: loving wives and children, parents. As the President looks at the wonderful ladies in the south gallery, he is compelled to remark that if the Senators legislative judgment is somewhere equal to their ability in picking the epitome in feminine pulchritude that the state affairs are in good hands.

"And last but most important of all, we wish to extend greetings to the many members of the voting electorate that are present here on this momentous occasion because without you, none of us would be here. Thank you very much, gentlemen. It is a pleasure and a privilege to be back with you."

#### COMMITTEE FROM THE HOUSE

A committee from the House consisting of Representatives Newhouse, Chatalas and Costanti appeared before the bar of the Senate to notify the Senate that the House was organized and ready to do business.

The report was received and the committee retired.

#### ELECTION OF OFFICERS

The President declared nominations to be open for President Pro Tempore of the Senate.

Senator Durkan: "Mr. President, it is a privilege for me to rise and again nominate for the office of President Pro Tempore of the Washington State Senate the same man that I had the pleasure of nominating before. A man who has been not only a close friend of mine but a colleague of all of ours, a man who I have served with, voted with and against on several occasions, a man can be impartial, vote on the floor with you or against you, but never let it interfere with his friendship off the floor. He is great in dedication. He is great in loyalty and I said, he is great in friendship. He has all the qualities necessary as a presiding officer. He can be impartial, he can be fair and at the same time he has the ability to be stern enough to rule.

"It is with privilege that I nominate my friend and colleague, the Senator from White Salmon, Senator Al Henry for President Pro Tempore.

Senator Walgren: "Mr. President, members of the Senate, I rise to second the nomination of Senator Al Henry. As stated by Senator Durkan, he has served with fairness, with impartiality, and when the occasion required, with a swift and sure gavel. I sincerely urge his re-election to the position of President Pro Tempore."

Senator Canfield: "Mr. President, and members of the Senate, we appreciate the stature and the service and the dedication of the distinguished Senator from White Salmon who has been nominated for President Pro Tempore of this illustrious body and who may have substantial support here today in this election.

"We, on this side of the aisle, also have men of stature and it is my privilege to nominate one of these outstanding members from this side of the aisle for this position. A man whose experience in this legislature is surpassed by none in terms of years of service. A man whose knowledge of parliamentary procedures has no superior and perhaps no equal here. A man who is unquestionably the most articulate member of this body. A man whose sharp wit is excelled only by his political brilliance and his staunch advocacy of his personal convictions. A man who has, on many occasions, been elected by his colleagues to positions



of legislative leadership and a man who has served with distinction and honor under five separate governors of this state, representing both political parties.

"Gentlemen of the Senate, it is my privilege therefore to nominate for President Pro Tempore for this body my good friend and colleague from the capitol of the Indian country, Senator Perry B. Woodall."

Senator Holman: "Mr. President and members of the Senate, it is my very great pleasure to second the nomination of Senator Woodall. I can add little to what Senator Canfield has told you except that we feel greatly complimented that the Senator from White Salmon, I notice does sit on this side of the aisle."

"However, I would like to talk a little bit about my candidate, Senator Woodall. Senator Woodall and I have tangled at the bridge table and on the Senate floor and on television. I have found him to be the most interesting opponent and the most generous opponent. I too, like Senator Canfield, am impressed with his knowledge of state government and I have been for many, many years, long before I was ever in this building."

"I think it would be a great compliment to Senator Woodall to know that his caucus, man for man, is behind him to the very end. Senator Woodall, it gives me a great deal of pleasure to second your nomination."

There being no further nominations, the President declared the nominations closed.

### ROLL CALL

The Acting Secretary called the roll on the election of President Pro Tempore of the Senate and Senator Henry was elected by the following vote: Senator Henry, 29; Senator Woodall, 20.

Those voting for Senator Henry were: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odgaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson, Woodall—29.

Those voting for Senator Woodall were: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess, Henry, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Twigg, Whetzel—20.

The President declared that Senator Henry, having received the constitutional majority vote of the Senate was elected President Pro Tempore of the Senate.

The President appointed Senators Woodall and Washington to act as a committee of honor to escort Senator Henry to the rostrum.

The Honorable Marshall A. Neill, Justice of the Supreme Court, administered the oath of office to Senator Henry.

### PRESIDENT'S PRIVILEGE

Mr. President: "Honored members of the Senate, ladies and gentlemen, to compete against a person of Senator Woodall's stature, ability and uprightness is indeed an honor but to win such an election far surpasses any words that the President can utter. However, the President does believe that if the cornerstone of this building were to be removed for some reason that Al Henry could step in and fill that spot with solid strength and character. It is an honor to present to you your President Pro Tempore, Senator Al Henry."

Senator Henry: "Lieutenant Governor Cherberg, I can only say in this particular election that I would hate to go up against Senator Woodall if the odds were even. I think that if it were a twenty-twenty break on the party affiliation, I would find that the going would be a lot tougher."

"I sincerely appreciate the many fine remarks made about me here today. I really don't think I deserve them but then I have a touch of bursitis and I don't think I deserve that either."

"It is a pleasure to again serve with one of the men that I think is one of the finest presiding officers, the fairest presiding officer that I have ever had the pleasure to work with in my thirty years in state government. I will do my best and I will assure you that I am sometimes wrong but never in doubt. Thank you so much."

Senator Woodall: "Mr. President, President Pro Tempore, members of the Senate, it is always more fun to win than to lose but sometimes losing isn't so tough when you lose to a very fine man."

"Seriously, I have known Al longer than perhaps anyone in this chamber. He and I served together in 1941 over in the House of Representatives. We have been friends through the years."

"I just want to say that not only I personally but everyone on this side of the aisle have found him to be fair and as long as you fellows are in the majority, which is wrong to start off with, you couldn't have done better by us than the man you put in. Thank you."

## PRESIDENT'S PRIVILEGE

The President: "Thank you, Senator Woodall, and thank you, Senator Henry. The President believes that both of your remarks were remarkably well chosen and the President is in complete accord with your statements."

The President declared the nominations were now in order for the office of Vice President Pro Tempore of the Senate.

Senator Knoblauch: "Mr. President and members of the Senate, I am deeply honored to nominate James Keefe of Spokane for the position of Vice President Pro Tempore.

"Those of you that have served here in the past years know that Jim wields the gavel most fiercely but fairly. Whenever Senator Henry has to leave the rostrum, we know that the place is in good shape because of the abilities of Jim Keefe.

"So let me then nominate for the position of Vice President Pro Tempore of the Senate, the very fine Senator, a long time Senator from Spokane, Senator James Keefe."

Senator Mardesich: "Mr. President, I rise to second the nomination of James Keefe of Spokane as Vice President Pro Tempore.

"It is simple enough to observe that Al Henry is wasting away to a shadow and could stand some good substantial help right there behind him ready to take over at any moment.

"It does me great honor to offer as a seconding nomination one of the deans of this body to this position. I think that he might truly be called the conscience and the heart of this Senate. Those of us who have come to know him over the years can appreciate that and certainly you new people would do well to get acquainted with Senator Keefe to look to him for information and for guidance. He is an old timer, he knows the ropes. In addition to that he is a member of the Committee on Rules and Joint Rules and he may be able to help you on occasion.

"Again it does me great honor to rise and place the seconding nomination of our friend, all of our friend, Senator James Keefe of Spokane as Vice President Pro Tempore."

Senator Metcalf: "Mr. President, members of the Senate, it gives me pleasure to place in nomination an honored member of this body for the office of Vice President Pro Tempore.

"This man has served with distinction in the Washington State Senate for twelve years. We are all well aware of his many accomplishments here. Outside these hallowed halls in his home community, this gentleman has also rendered extensive service and I will just mention only one of many. After serving in several local and regional offices in the Lions' Club International, he is now a director of the International Association of Lions' Clubs, one of thirty-two members from throughout the world. I am honored to place Senator Ted Peterson's name in nomination for Vice President Pro Tempore."

Senator McDougall: "Mr. President and members of the Senate, it is a pleasure for me to stand here today to second the nomination of Senator Ted Peterson for this very fine and high honor.

"I would like to point out to the body that at least on our side of the aisle, Senator Peterson is second in seniority only to our beloved Senator Woodall. For those of you who are here for the first time, may I say that having only been here since 1968 myself, I found Senator Peterson to be an individual who I could depend upon and rely upon for reliable information and I would therefore refer you to him in your dealings in the Senate. It is a pleasure for me to second the nomination."

There being no further nominations, the President declared the nominations closed.

## ROLL CALL

The Acting Secretary called the roll on the election of Vice President Pro Tempore, and Senator Keefe was elected by the following vote: Senator Keefe, 30; Senator Peterson (Ted), 19.

Those voting for Senator Keefe were: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Jolly, Knoblauch, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson—30.

Those voting for Senator Peterson (Ted) were: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Holman, Huntley, Keefe, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Scott, Stender, Twigg, Whetzel, Woodall—19.

Senator Keefe having received the constitutional majority vote of the Senate was elected Vice President Pro Tempore of the Senate.



The President appointed Senators Knoblauch and Peterson (Ted) to act as a committee of honor to escort Senator Keefe to the rostrum.

The Acting Sergeant at Arms and the honor committee escorted Senator Keefe to the rostrum and President Cherberg administered the oath of office.

### PRESIDENT'S PRIVILEGE

The President: "The members of the Senate and the President join in congratulating you, Senator Keefe, a man whose witticisms have regaled each of us over the years but unfortunately have probably led to the demise of vaudeville.

"Senator Keefe, it is a real triumph for you and shows the esteem and respect with which you are held by the members of the Senate in winning from such a worthy and illustrious adversary as Senator Ted Peterson. Would you be so kind as to address those of us that are present today?"

Senator Keefe: "Thank you, Mr. President, and my assistant, Senator Henry and members of my dearly beloved Senate. Thank you for the honor and the privilege of serving you and I want to say one thing, the press stood up for me, which is something new. Thank you again and I hope to have the opportunity of serving you to the best of my ability. Thank you."

The President declared the nominations were now in order for the office of Secretary of the Senate.

Senator Gissberg: "Mr. President and gentlemen of the Senate, I wish that it were possible for us here in the Senate to elect the Secretary of State in the fashion we are about to do with respect to the Secretary of the Senate. That position requires a very skilled administrator, one who has had experience in the technical aspects of the operation of the legislature as a whole and one who is mindful of the fact that he is responsible to the Senate as a group and more particularly to be of service to each of us whenever we have a problem that needs a solution, either technically or otherwise. I think no greater tribute or qualification could be put to that position except to say that it requires one of vast experience, one who has come up through the ranks.

"I think all of us are aware of the fact that the best kind of a man is one who has started at the bottom and worked his way up through the positions to the position of the top man in any organization. He becomes familiar with the many intricate problems of the organization when he does that.

"In such a man we have Sid Snyder whose name I place in nomination as Secretary of the Senate. Sid started in the House many, many years ago. As a matter of fact, it was in 1949 and he started in the position of elevator operator. He wasn't long for that position, however, because he soon went on into the bill room and shortly thereafter he became the supervisor of the bill room and was in charge of that position for some time. Ci Holcomb, who many of you will remember as the chief clerk in the House, asked Sid to become his assistant. It was there that Sid proved himself as having a great affinity to the legislative process.

"It was only because of the untimely demise of our dearly beloved Ward Bowden that Sid moved from the House over to the Senate in the dying hours of the 1969 legislative session and it was at that time, about 10:00 p.m. on the last night that we elected, here in the Senate, Sid Snyder as our Secretary of the Senate.

"He has held over during the 1970 second extraordinary session and so this is the first time that we, in the majority have had an adequate opportunity to express ourselves with respect to what we think of Sid and the fine work that he has done, not only in the House but here in the Senate as well.

"Those of you who know Sid know that he runs a supermarket down at the beach in Senator Bailey's district and that if you go fishing down there Sid is always glad to see you and try to make things a little easier for you.

"It is a great privilege for me to urge everyone here in the Senate to cast a vote for Sid Snyder for Secretary of the Senate."

Senator Bailey: "Mr. President and members of the Senate, Sid is a constituent of mine and I would like to second his nomination. Sid's wife is in the balcony and I would like to correct one misstatement of Senator Gissberg's. He isn't at the beach very often. I have to come to Olympia to see him.

"I would just like to make one recollection. Twenty years ago, probably this very day in 1951, I came to the House of Representatives and I wasn't very familiar with the way things operated. In fact, my colleague of many years standing was with me but he never told me anything and I brought patronage up that day that I hadn't bothered to clear with the employment committee. I walked in and Sid Snyder was the first fellow to meet me at the door. He took it up with Ci Holcomb and my patronage got on, but it would have been a most embarrassing day to a new representative if Sid had not been there to help me and he is still there to help us, so I am very happy to second his nomination."

Senator Andersen: "Mr. President and gentlemen of the Senate, I assure you that the many fine works that our Secretary of the Senate, Sid Snyder, has done here in the Senate have not gone unnoticed or unappreciated over on the minority side of the aisle. For this reason, we would like to heed Senator Gissberg's admonition that this be a unanimous

election. I rise for the purpose of also seconding the nomination of Sid Snyder for Secretary of the Senate.

"I was privileged to work with Sid over in the House of Representatives when he was over there. I have been privileged to work with him here in the State Senate since I have been over here and I can say that he is a gentleman in all respects, he is extremely competent, and in my book is a real pro and a person that we are very privileged to have here working for us.

"So we join you gentlemen in expressing our appreciation for his many fine works in the past and success to him in the many years in the future that we hope he serves in this job. Thank you."

Senator Atwood moved that a unanimous ballot be cast for Sidney R. Snyder as Secretary of the Senate.

There being no further nominations, the President declared the nominations for the Secretary of the Senate to be closed.

### ROLL CALL

The Acting Secretary called the roll on the election of Secretary of the Senate and Sidney R. Snyder was elected by the following vote: Sidney R. Snyder, 49.

Those voting for Sidney R. Snyder were: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

Sidney R. Snyder, having received the unanimous vote of the Senate, was elected Secretary of the Senate.

The President appointed an honor committee consisting of Senators Bailey, Gissberg, Andersen and Atwood to escort Sidney R. Snyder to the rostrum.

President Charberg administered the oath of office of Secretary of the Senate to Sidney R. Snyder.

### PRESIDENT'S PRIVILEGE

Mr. President: "Honored members of the Senate, ladies and gentlemen, words are insufficient to express, Sid, the honor that you have just received from the forty-nine members of the Washington State Senate. I do, however, want the members to know that in my particular position I am fully aware of the remarkable contribution that you make to the members of the Senate, especially to the President, without whose guidance I would be lost on many an occasion. We feel that you, at this time, should address this august assembly."

Sidney R. Snyder: "Mr. President and members of the Senate, I am deeply honored. There have been many eloquent words spoken today and I do not know how I can come close to keeping the same steed with the Governor, Senator Henry, Senator Keefe and all of the wonderful nominating speeches.

"I was about to say that I think this is the greatest thing that has ever happened to me, then I remembered my wife is in the gallery and she may have other thoughts. I am truly deeply honored and privileged and we hope to afford you the same wonderful service that my predecessor, Ward, has given to you in the past. We have a very fine crew and are sure that the services will be very fine that are rendered this session. Please come forward if they are not. If you have any problems, let us know and we will do our best to iron them out. Thank you very kindly."

The President declared nominations for the office of Sergeant at Arms of the Senate now in order.

Senator Henry: "Mr. President and members of the Senate, for many years it has been my extreme pleasure to nominate a long-time friend of mine, a former member of the House of Representatives, a man who has done an outstanding job for the members of this Senate.

"I cannot imagine, even though each in our own right we deem to be reasonable people, one man that can ever hope to keep forty-nine such personalities that are gathered here in this chamber happy. But the one man who works at it unceasingly and tries hard to do his best to keep everybody happy, is our present Sergeant at Arms, Charles Johnson. It is my extreme pleasure to nominate today for Sergeant at Arms, Charles Johnson."

Senator Ridder: "Mr. President and colleagues of the Senate, I would like to second the nomination of Charles Johnson as Sergeant at Arms. Of course, one need only point out his skill and efficiency, his organization, to realize that he is an extra special Sergeant at

Arms but today you know, a real good vote getter has to have something to do with ecology and so I point out to you gentlemen that a vote for Charlie is a vote for ecology, the maintenance and improvement of our legislative environment and you cigar smokers take note. Thank you."

Senator Elicker: "Mr. President and members of the Senate it is my pleasure also to nominate for the position of Sergeant at Arms a constituent of mine who is also a former member of the House of Representatives and also by way of being a colleague of all of us."

"I speak of Charlie Gerold, who has been the clerk of the Republican caucus for eighteen years. Charlie is a former member of the body across the rotunda, he has a long and distinguished service as far as civic affairs are concerned. He is a former publisher of the Queen Anne News whose distinguished publisher now sits among us as a member."

"It seems to me that those of you who know Charlie Johnson know that those of us in the minority caucus hold him in the greatest affection and respect and I can assure you on the other side of the aisle that if you see fit to elect Charlie Gerold your Sergeant at Arms for the coming session that you will find that he will serve you with the same devotion and faithfulness that he has served as these many years. Thank you."

Senator Murray: "Mr. President, members of the Senate, it gives me a great deal of pleasure to second the nomination of Charlie Gerold. Eighteen years ago I succeeded Charlie as the publisher of the Queen Anne News. He had held that position for some twelve years in the Queen Anne community and trying to follow in his footsteps, I became acutely aware of the many things that he did and the great respect that he was held in that community. He was a close personal friend of the late Senator Victor Zednick."

There being no further nominations, the President declared the nominations for Sergeant at Arms to be closed.

#### ROLL CALL

The Secretary called the roll on the election of Sergeant at Arms of the Senate and Charles Johnson was elected by the following vote: Charles Johnson, 29, Charlie Gerold, 20.

Those voting for Charles Johnson were: Senators Bailey, Connor, Cooney, Day, Donohue, Doré, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odgaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson—29.

Those voting for Charlie Gerold were: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Twigg, Whetzel, Woodah—20.

The President declared that Charles Johnson, having received the constitutional majority vote of the Senate, was elected Sergeant at Arms of the Senate.

The President appointed an honor committee consisting of Senators Henry and Lewis to escort Charles Johnson to the rostrum.

President Cherberg administered the oath of office of Sergeant at Arms to Charles Johnson.

#### PRESIDENT'S PRIVILEGE

Mr. President: "Members of the Senate, ladies and gentlemen, the results of the election have evidenced the pride and appreciation for the duties and services performed by Charles Johnson over many years in the Washington State Senate as Sergeant at Arms. Charles, I think you should be proud of the fact that the members have chosen you for this important position and at this time we would like to request that you address the group."

Charles Johnson: "Thank you, Mr. President. I am very proud and I am very happy to have the honor of serving you gentlemen on both sides of the aisle. I am sure that this is the first time since 1957 that I ran for Sergeant at Arms in the Democratic Party there was no one running against me and I am very happy about that. I think this is my sixteenth year of serving you gentlemen and I hope that there will be sixteen more and then I will resign. Thank you."

Charles Gerold: "Thank you very much."

#### SENATE RESOLUTION 1971-1

By Senators Greive and Atwood.

BE IT RESOLVED, That the rules which governed the Senate during the forty-first second extraordinary session of 1970 be adopted by the Senate as temporary rules until permanent rules be adopted with the following amendment to Rule 2, paragraph 3 of the Senate Rules:



"The following standing committees shall constitute the standing committees of the senate

1. Agriculture and Horticulture . . . . .	[ 8 ]	9
2. Cities, Towns and Counties . . . . .	16	
3. Commerce and Regulatory Agencies . . . . .	[ 19 ]	28
4. Constitution, Elections and Legislative Processes . . . . .	[ 15 ]	13
<i>Committee on Redistricting</i> . . . . .		13
5. Education . . . . .	[ 14 ]	12
6. Higher Education and Libraries . . . . .	[ 13 ]	15
7. Highways . . . . .	[ 28 ]	26
8. Judiciary . . . . .	[ 15 ]	11
9. Labor and [Social Security] Industrial Insurance . . . . .	[ 10 ]	7
[10.] Liquor Control . . . . .	9	
10. Manufacturing and Industrial Development . . . . .	8	
11. Medicine, Dentistry [, Public] and Health Care, Air and Water Pollution . . . . .	[ 13 ]	11
12. Natural Resources, Fisheries and Game . . . . .	[ 9 ]	10
13. Parks, [Recreation] Capitol Grounds and Veterans' Affairs . . . . .	[ 9 ]	11
14. Public Institutions . . . . .	9	
15. Public Pensions and Social Security . . . . .	9	
[15.] 16. Rules and Joint Rules . . . . .	16	
[16.] 17. State Government . . . . .	[ 14 ]	10
[17.] 18. Ways and Means . . . . .	36	
Committee on Appropriations . . . . .	[(31)]	(22)
Committee on Revenue and Taxation . . . . .	[(26)]	(13)
Committee on Claims and Auditing . . . . .	[ 7 ]	

The Committee on Rules and Joint Rules be authorized and directed to formulate the permanent rules of the Senate for the present session, and that the Committee on Rules act jointly with a like committee from the House of Representatives to formulate joint rules.

On motion of Senator Greive, the resolution was adopted.

#### SENATE RESOLUTION: 1971-2

By Senators Bailey and Peterson (Ted)

BE IT RESOLVED, That a committee of three be appointed to notify the House that the Senate is now organized and ready to transact business.

On motion of Senator Greive, the resolution was adopted.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Fleming, Murray and Jolly to serve as a committee of three to notify the House that the Senate was organized and ready for business

On motion of Senator Greive, the appointees were confirmed

The committee retired

#### SENATE RESOLUTION: 1971-3

By Senator Henry

RESOLVED, That the courtesies of the Senate are hereby extended to all former presidents, former members and secretaries of the Senate.

On motion of Senator Greive, the resolution was adopted.

#### SENATE RESOLUTION: 1971-4

By Senators Sandison and Newschwander:

BE IT RESOLVED, That the state treasurer and budget director be, and they are hereby directed to draw their warrants for payment of the members' subsistence allowance and employees' salaries every seventh day of the session upon subsistence payrolls which shall be certified to by the President and Secretary of the Senate, and they are hereby authorized and directed to deliver the warrants to the Secretary of the Senate, taking their receipt therefor.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized and directed to provide each member the necessary supplies, equipment and materials required to operate the Senate.

On motion of Senator Greive, the resolution was adopted.



## REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Fleming, Murray and Jolly appeared before the bar of the Senate and reported that the House had adjourned.

The report was received.

## MOTION

At 1:30 p.m., on motion Senator Greive, the Senate recessed until 1:50 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:50 p.m.

## MESSAGE FROM THE HOUSE

January 11, 1971.

Mr. President: The House has adopted  
HOUSE CONCURRENT RESOLUTION NO. 1,  
HOUSE CONCURRENT RESOLUTION NO. 2,  
HOUSE CONCURRENT RESOLUTION NO. 3,  
and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 1, by Representatives Copeland, Juehng, Newhouse, Harris and Bottiger (by Legislative Council request):

Commending upon retirement, Donald C. Sampson.

On motion of Senator Greive, the rules were suspended, House Concurrent Resolution No. 1 was advanced to second reading and read the second time in full.

On motion of Senator Greive, the rules were suspended, House Concurrent Resolution No. 1 was advanced to third reading, the second reading considered the third, the resolution placed on final passage and adopted.

HOUSE CONCURRENT RESOLUTION NO. 2, by Representative Bledsoe

Notifying the governor that the legislature is organized

On motion of Senator Greive, the rules were suspended, House Concurrent Resolution No. 2 was advanced to second reading and read the second time in full

On motion of Senator Greive, the rules were suspended, House Concurrent Resolution No. 2 was advanced to third reading, the second reading considered the third, the resolution placed on final passage and adopted.

## APPOINTMENT OF SPECIAL COMMITTEE

On motion of Senator Andersen, the President appointed Senators Bailey, Atwood and Greive to serve as three members from the Senate, in accordance with House Concurrent Resolution No. 2, to join with a like committee from the House to notify the Governor that the legislature is organized and ready to transact business.

HOUSE CONCURRENT RESOLUTION NO. 3, by Representative Bledsoe.

Joint sessions to receive Governor's message to the legislature and the Governor's budget message

On motion of Senator Greive, the rules were suspended, House Concurrent Resolution No. 3 was advanced to second reading and read the second time in full

On motion of Senator Greive, the rules were suspended, House Concurrent Resolution No. 3 was advanced to third reading the second reading considered the third, the resolution placed on final passage and adopted

## PERSONAL PRIVILEGE

Senator Walgren: "Mr. President and members of the Senate, I rise on a question of personal privilege. I want to state to my colleagues in the Senate that I am particularly pleased and happy to welcome back my good friend and colleague on the other side of the aisle, Senator Charles Elicker, who represents a portion of Kitsap county. I welcome him back for two reasons, first, I suppose the most important one, is that besides the commencement of this legislative session today, it just happens to be Senator Elicker's forty-fifth birthday and I think that you would all like to know that and to congratulate him. Secondly, I am pleased to welcome him back because of course you all know, he engaged in a rather arduous campaign recently when he undertook to run for the United States Senate.

"I might say that Senator Elicker was so much concerned about the fact that his birthday was going to be falling on this particular day, the commencement of this forty-second legislative session, that some months ago he contacted me to be sure that there was a cake present for this auspicious occasion. This was prior, I might add, to the time that he announced for the United States Senate. I called him and asked whether or not he wanted me to cancel the order and he allowed as how we had better keep the order.

"So at this time with a great deal of pleasure, I say 'Happy Birthday to Charlie Elicker' and I hope that you will all join with me in congratulating him here today."

Senator Elicker: "I am indeed overwhelmed by this unexpected gesture on the part of Senator Walgren and I take it in his remarks that you people think you are lucky to have me here and I want you to know that it was mighty close. There was a moment on the night of November 5 when the returns from Wahkiakum county were coming in, when it did look as though there were some precincts in Wahkiakum county that I might carry. However, it didn't work out that way.

"I just wanted to tell you that for my forty-fifth birthday I went back last night in a rather sentimental mood and I keep a diary. I read in the diary about my thirty-fifth birthday ten years ago and some resolutions that I had made at that time.

"There were three things that I resolved to do within ten years and one of them was to be a State Senator, which I have done. The second was to run for the United States Senate, which I have done. The third one was to retire. In looking over this august body and seeing the barely leashed energy that I see on these faces, I think that perhaps in achieving my goal of being a State Senator, I have also achieved my final goal on my forty-fifth birthday. Thank you very much."

Senator Mardesich: "I really don't want to rise to doubt what a member of our Senate says but I would point to some evidence that points to the contrary.

"Some months ago in Spokane, Senator Elicker was the first to give a dollar to the campaign of Henry Jackson for the presidency, the first person in this state to donate. This would lead me to believe that he might have some further plans on that position."

## MOTION

At 3:35 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Tuesday, January 12, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SECOND DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, January 12, 1971.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Teresa Boyes, Color Bearer, and Dan Herr, presented the Colors. Father James McGreal, pastor of St. Michael's Church of Olympia, offered prayer as follows:

"Almighty Father, keep Your people forever under the mantle of Your kind Providence. Deign to bless the beginnings of all projects begun and see them through maybe sometimes difficult ways to a successful outcome. Your constant assistance will assure the use of talents and the enkindling of vital sparks of leadership. Temper individual initiative and pet projects with a feeling of empathy toward others who share different views. Let not ignorance draw us into unwise paths nor respect for persons pervert our judgment; rather unite us to Yourself that we may never forsake the truth. We ask all of this in Christ's name. Amen."

On motion of Senator Day, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF SPECIAL COMMITTEES

The special committee consisting of Senators Bailey, Greive and Atwood together with three members from the House of Representatives in accordance with House Concurrent Resolution No. 2 reported that the Governor had been notified that the legislature was organized and ready to transact business.

The report was received and the committee was discharged.

The special committee consisting of Senators Fleming, Jolly and Murray appeared before the bar of the Senate and reported that the House had been notified that the Senate was organized and ready to transact business.

The report was received and the committee was discharged.

## MESSAGE FROM THE HOUSE

January 12, 1971.

Mr. President: The Speaker has signed:  
HOUSE CONCURRENT RESOLUTION NO. 1,  
HOUSE CONCURRENT RESOLUTION NO. 2,  
HOUSE CONCURRENT RESOLUTION NO. 3,  
and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 1,  
HOUSE CONCURRENT RESOLUTION NO. 2,  
HOUSE CONCURRENT RESOLUTION NO. 3.

The President declared the Senate to be at ease.

At 1:25 a.m., the Senate retired to the House chamber to meet in Joint Session for the purpose of the State of the State message of Governor Daniel J. Evans.

## JOINT SESSION

The Sergeant at Arms of the House announced the arrival of the Senate at the bar of the House.

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort the President and the President Pro Tempore of the Senate to seats on the rostrum, and invited the Senators to seats within the House.

The Speaker turned the gavel over to the President of the Senate, John A. Cherberg.

The President of the Senate called the joint session to order.

The Secretary of the Senate called the roll of the Senate and all members were present.

The Clerk of the House called the roll of the House and all members were present except Representative Polk who was excused.

The President of the Senate: "Mr. Speaker, members of the Washington State Legislature, ladies and gentlemen. The members of the Senate and the President wish to thank you for your cordial invitation to be with you this morning in what may very well be the most momentous joint session in the history of the state. In many respects it is always an enjoyable event to visit you with one of the most attractive features being the presence of so many lovely members of the House, on the distaff side of the ledger."

The President of the Senate appointed the following committee to escort the Justices of the Washington State Supreme Court from the state reception room to the bar of the House. Senators Gissberg, Woodall, Gneve and Atwood, and Representatives Harris, Charette, Litchman, Spanton and Eikenberry.

The committee retired.

The Sergeant at Arms of the House announced the arrival of the Justices of the Washington State Supreme Court at the bar of the House, and the President invited them to seats at the front of the House chamber.

The President of the Senate appointed the following committee to escort the elected state officials from the state reception room to the bar of the House. Senators Connor, Knoblauch, Lewis and Clarke, and Representatives Barden, Brouillet, Conway and Lysen.

The committee retired.

The Sergeant at Arms of the Senate announced the arrival of the elected state officials at the bar of the House, and the President invited them to seats at the front of the House chamber.

The President of the Senate appointed the following committee to notify Governor Daniel J. Evans that the Senate and House are in Joint Session and are ready to receive his message: Senators Andersen, Bailey and Koefe, and Representatives Bluechel, McCormick and Smith.

The committee retired.

The President of the Senate: "Ladies and gentlemen, the President of the Senate should like the pleasure of presenting to you individually the Justices of the Washington State Supreme Court: Justice McGovern, Justice Neill, Justice Hale, Justice Hunter, Justice Rosellier, Justice Finley, Chief Justice Hamilton, Justice Wright and Justice Stafford.

"Now it is at this time a privilege and honor to present Mr. O'Brien, our State Treasurer, Mr. Cole, our Lands Commissioner, Mr. Graham, our Auditor, Mr. Gorton, our Attorney General; and Mr. Kramer, our Secretary of State."

The Sergeant at Arms of the House announced the arrival of Governor Daniel J. Evans at the bar of the House, and the President instructed the committee to escort him to a seat on the rostrum.

The President of the Senate: "Mr. Speaker, Governor Evans, honored members of the state legislature. The purpose of this Joint Session of the Forty-Second Legislative Session is to receive the state of the state message from His Excellency, the Honorable Daniel J. Evans, Governor of the State of Washington. At this time it is the proud responsibility of the President to present His Excellency, the Honorable Daniel J. Evans, Governor of the State of Washington."

#### STATE OF THE STATE MESSAGE BY GOVERNOR DANIEL J. EVANS

Governor Evans: "Mr. President, Mr. Speaker, ladies and gentlemen of the legislature, and my fellow citizens:

"I sat in my office this morning putting the finishing touches on these remarks and heard coming from the radio the lead song from 'Hello Dolly,' and was reminded of the lines from that song: '...how nice to have you here where you belong...' I hope that approximately three months from now your constituents will be saying the same thing.



"We gather here, to begin this forty-second session of Washington's Legislature with the specter of Washington's economy all about us. We recall with some nostalgia the boom years of 1967, 1968, and 1969. Yet if we are going to deal adequately with today's problems it is important to examine how far we have come.

"During the past five years we have made great progress. I am talking not just about an administration, but I am talking about a courageous and responsive legislature. And I am talking most of all about the increased citizen concern and involvement that has helped to insure progress. During these five years, Washington's budget has increased sharply, but state taxes have increased only by 2 10ths of one percent in sales tax and the addition of the business and occupation tax to financial institutions. What is more important, our tax burden—the percentage of our citizens' income going to state and local taxes—is the lowest of the 13 western states, is 22nd among the 50 states of the nation, and has remained absolutely stable for the past five years. The important question, however, is neither how much spending has increased nor what our tax burden is, but what we have accomplished as a state.

"During these five years we have added some 90,000 children to our common school system and over 82,000 new students to our growing system of higher education, more than doubling its size. We have created a Council on Higher Education to coordinate better the planning of education beyond high school and have embarked on a statewide community college system that is now bringing this important element of higher education within commuting distance of over ninety percent of Washington's citizens. The first new four-year state college in over seventy years will, open in a few months to provide new opportunity and new innovation in education to Washington citizens.

"Fatable reductions in public assistance have been eliminated over these five years, and we are one of the few states in the nation to provide assistance at modern cost of living standards.

"A few years ago, over 1,400 retarded children were on the waiting list for our state schools for the retarded, but the addition of a new school for the profoundly retarded, and a system of group homes of sheltered workshops and community programs has essentially eliminated that waiting list, and has provided new hope to thousands of retarded children and their families. Modern approaches to our parole system and juvenile rehabilitation as well as probation subsidy and work relief programs have brought repeated national recognition to Washington's correction system.

"The legislature's willingness to fund a substantial increase in State Patrol and the people's determination to pass an implied consent law, helped make 1969 and 1970 the two safest years on Washington's highways since we began keeping records thirty-seven years ago. Several hundred people today are alive who might otherwise be dead if we had substituted neglect for leadership in this important field.

"All citizens, regardless of their race, religion or creed, have a better opportunity to work to be educated, and to share in economic progress with others than ever before. This struggle for equality has been started in Washington state, but is still far from being won.

"Ecological leadership has helped to insure that our children will enjoy a high quality physical environment in years to come. And most of all, we have been stimulated by increasing volunteer citizen participation which has been vital to the success of an increasing number of state programs.

"Credit for these accomplishments goes to an effective citizen and governmental team. I can think of no time when it is more important to understand what we have accomplished than now when we are questioning our own abilities and wondering what the future holds for Washington State.

"These, however, are just the beginning. We have established beachheads of progress, but we are far from winning the war. Today's economic and financial difficulties may tempt us, to commence a holding action and to draw back from exciting and innovative ideas with the cry that 'now is not the time'. But now, more than ever, is the time to prove that advancement can be made during times of adversity.

"1970 saw a dramatic contrast in approach to modern problems. The ninety-first Congress of the United States was a national disgrace. At the time this budget was being finished Congress had yet to enact seven major appropriation bills for the current fiscal year, let alone give any indication of revenue availability from the federal government during the period of this next biennium. The inability of Congress to act in a timely manner makes it nearly impossible for both state and federal agencies to plan their actions for the next six months, let alone for the next three years. The two most innovative domestic programs in years were not even fully debated during this session. Revenue-sharing was not debated by either House, and welfare reform failed in the last chaotic days of Senate action. Entrusted by seniority and stagnated by procedure, the lethargic Congress has led many state and local governments to the brink of bankruptcy.

"Then in brilliant contrast, this legislature, in thirty-two days a year ago, seized national leadership in environmental quality, reorganized state government, modernized our unemployment compensation system, provided financial assistance to local governments, and presented to the voters proposals for tax reform and lowering the voting age. This is a better state today because of your actions in 1970.

"The needs of 1971 are even more vital. An executive request package of some fifty bills will soon be placed before you. These are measures that will help meet the hopes and expectations of our citizens and the concern over their human and physical environment.

"Of all of the tasks before us, none is more urgent than the revitalization of Washington's economy. Several bills will be introduced to provide this stimulus: the most important of which is a regional development authority. This authority could provide insurance for mortgage loans for industrial purposes, provide loans for public works planning and for the acquisition and development of industrial land and reinstitute the sales tax credit on the cost of new industrial construction. This measure is also designed to help shape a policy which will encourage industrial growth in economically depressed and low growth areas.

"Associated with industrial development are the environmental protection act and the truth in pollution act which will help insure that industrial growth will not destroy our environment. These measures will require that all public agencies within the state conduct a review of their own programs and activities in order to measure their environmental acceptability. The truth in pollution act requires that all those who discharge waste into our waters and air must publicly disclose the nature and the amounts of these discharges. This act also drastically increases the penalties against those who pollute.

"By initiative, the people have laid before the legislature the question of proper management of the shorelines of our state. While I agree with the general goals of that initiative, I will present a bill that will accomplish those same goals in a somewhat different fashion. I believe strongly that for a shoreline management program to be effective, it must have effective local involvement within the framework of state guidance and surveillance. I hope that in dealing with these and the many other bills that relate to our environment, we continue to hold a position of leadership among the states of the nation in preserving for ourselves and the generations yet to come the high quality that we have traditionally enjoyed.

"Recent action by our United States Supreme Court extends the voting privilege to age eighteen for federal elections. I propose, therefore, that this legislature again submit to the people a proposal to lower the voting age for state and local election in this state to eighteen. It seems rather inconsistent that as of now a young person can vote for a congressman, a senator or a president, but not for a water district commissioner.

"I firmly believe that along with the privilege of voting should go the responsibilities of an adult, and therefore I endorse the proposal of our State Youth Commission to extend majority responsibilities to age eighteen. Responsibility and privilege go hand in hand.

"The cost and adequacy of health care deserves serious consideration by this legislature. One will bring us into compliance with the federal unemployment compensation act and will provide special emergency benefits for this year only. Provisions of this act will add up to thirteen additional weeks to the regular and extended benefit provisions of our existing state act. The second bill will provide unemployment compensation coverage for state employees on an immediate basis. It is important that the legislature take action on this legislation prior to the beginning of reduction in force which will, unfortunately, soon take place.

"The Constitution declares that it is the paramount duty of the state to provide for the education of all children residing within its borders. We have failed to measure up adequately to this responsibility in the case of our many handicapped youngsters in the state. I am therefore proposing a mandatory education-for-the-handicapped bill with the recognition that only first state financing is available in the upcoming biennium. The commitment to this goal, however, is essential, and I urgently request your endorsement.

"The Attorney General's office has submitted a unit pricing proposal that will give great assistance to shoppers in accurately measuring the best buy, particularly in food items. Today's inflationary spiral makes such a system highly desirable.

"If there is a lessening of people's confidence in the political process, then much of it must come from the hypocrisy and the sham of campaign financing. I have examined many proposals for correction of this evil and have decided that only a full disclosure bill with no exceptions and no minimum amounts would be adequate. Such a bill will be submitted for your consideration.

"Five years ago, I suggested to the National Governors' Conference that we urge all states to pass a resolution calling for a constitutional convention which would have the effect of forcing Congress to act on revenue-sharing. At that time I was counseled to wait and to give Congress a chance to initiate action. We have waited long enough. Other states are initiating action and I strongly urge this legislature to join in passing such a resolution so that, at the very least, the merits of revenue-sharing will be debated on the floors of Congress.

"For the fourth time, I will submit to you a proposal to create a Department of Transportation in our state. During the past five years you have taken great strides in the reorganization of state government. In the field of transportation, however, we have steadily fallen behind through failure to match progress being made in other areas. The bill that will be introduced this session is the end product of the work of a distinguished citizens committee for balanced transportation. Never has there been a more urgent need for this legislation than now.

"If annual sessions are desirable, then it is even more desirable to institute annual general elections in this state. The failure to do so in past years has cost the taxpayers of this state millions of dollars in additional interest and construction costs on bond issue projects and has delayed urgent votes on vital issues.

"In a separate budget message on Thursday, I will speak of our fiscal difficulties and measures to resolve the crisis.

"These and many other measures will be before you because of the outstanding work of such citizen task forces as the Urban Affairs Council and the Youth Commission, in addition to the exceptional work of the score of legislative interim committees.

"I realize that this is an arduous and demanding agenda but I am confident that this task can be done with a high degree of objectivity and with dispatch.

"Proposals for annual sessions of Washington's legislature have been made before and I will lay before you this session a simple constitutional amendment that will call for ninety-day regular sessions in odd-numbered years, thirty-day regular sessions in even numbered years; and special sessions limited to thirty days. I believe it is now time for a measure such as this to be placed before the people for their decision.

"In the meantime, it will be my present intention to call this legislature back into session in January of 1972 to review progress on the budget and to resolve the new issues that will have arisen by then.

"I suggest that the House and the Senate jointly set by resolution a time goal now, for completion of this session such as ninety days--and work toward completion by that time. In my 1970 message to the legislature, I said:

"It is not the price of progress that the average citizen deplores; it is the price of politics. It is the debate without purpose, the delay without conscience and the unreasonable exercise of privilege and power that cause him to rise up in protest. You have come here today at the request of this administration, but in a much greater sense, we are all here to advance the cause of representative government, to demonstrate in full view of the people that this administration and this legislature can address themselves to the timely problems of the state."

"These words, I believe, are equally applicable today. The high stakes of political gamesmanship are of little moment compared with the real needs of Washington's citizens. Redistricting is an important issue and must be adequately resolved prior to the next election, but the issues of adequate financial care for the aged, the disabled and the blind, the education of our children, and adequate health for all of our citizens are paramount. It is incomprehensible to me that one should be equated with the other.

"As we face this session, we must all ask ourselves the difficult questions: Are we going to discard our concern for the quality of life in our state? Will we, as elected officials, run for the cover of inaction because we face difficult decisions? Are we going to turn away from the path of progress on which we have already embarked?

"We have just come through an extremely troubled time--a time of turmoil and stress; a time of anger and passion; a time of criticism and reaction. We are now in a period of economic stress and hardship for far too many citizens of this state. But we have learned much of the potential and the limits of state government during these difficult times. The programs proposed to this session of the legislature would bring a fulfillment of the opportunities that should be a part of every person's life here in Washington.

"These, then, are challenges. Do we now repudiate these challenges and pretend that we have solved the people's problems? Do we pretend that unemployment, hunger and poverty have disappeared? Do we ignore the foundation of modernization, reorganization and renewed planning just when they would allow us for the first time to say honestly we can do the job? Are we ashamed of the attempts we have made to make Washington first among our fifty states in the quality of life we provide our citizens? I think not. Instead, we can put our house in order and adopt a program of responsibility, of economy, of efficiency, and of compassion--one that will not by itself create a miracle, but coupled with our inevitable return to economic growth, can help to create a new profile of greatness for the State of Washington.

"Together let us make that promise of greatness a reality. Thank you."

The President of the Senate instructed the committee consisting of Senators Andersen, Bailey and Keefe, and Representatives Blucchel, McCormick and Smith to come forward and escort Governor Evans from the rostrum to his office.

The committee retired.

The President of the Senate instructed the committee consisting of Senators Connor, Knoblauch, Lewis and Clarke, and Representatives Barden, Brouillet, Conway and Lysen to come forward and escort the elected state officials from the House chamber to the state reception room.

The committee retired.

The President of the Senate instructed the committee consisting of Senators Gissberg, Woodall, Grieve and Atwood, and Representatives Harris, Charette, Litchman, Spanton and Eikenberry to come forward and escort the Justices of the Washington State Supreme Court from the House chamber to the state reception room.

The committee retired.

The President of the Senate "Prior to leaving, Mr. Speaker, members and staff of the House of Representatives. The honorable members of the Senate and the President wish to thank you for your friendly hospitality and extend to each and everyone of you a cordial invitation to visit the Senate and the office of Lieutenant Governor at any time convenient to you to indulge in the friendly libation of coffee. Thank you so much."

#### MOTION

On motion of Mr. Bledsoe, the Joint Session was dissolved.

The President of the Senate returned the gavel to the Speaker.

The Speaker directed the Sergeants at Arms of the Senate and the House to escort the President, President Pro Tempore, and Vice President Pro Tempore, and the members of the Senate to the Senate chamber.

The President called the Senate to order at 12:35 p.m.

#### MOTION

On motion of Senator Greive, the Senate recessed until 1:45 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:45 p.m.

#### MOTION

On motion of Senator Keefe, Senator Mardesich was excused.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 1, by Senators Durkan and Odegaard

An Act relating to revenue and taxation, and adding new sections to Title 84 RCW

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 2, by Senator Durkan.

An Act relating to limitations upon political campaign expenditures; providing for the disclosure of contributors to political campaigns and the amounts of contributions; and prescribing penalties.

Referred to Committee on Constitution, Elections and Legislative Processes.

SENATE BILL NO. 3, by Senator Durkan.

An Act relating to noise pollution, establishing standards, and prescribing penalties.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO. 4, by Senator Durkan.

An Act relating to handicapped children; and making an appropriation.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO. 5, by Senator Durkan.

An Act relating to the control of drugs; providing for mandatory sentences; establishing a reward system; providing treatment centers, and making an appropriation.

Referred to Judiciary Committee.

SENATE BILL NO. 6, by Senators Durkan, Knoblauch, Peterson (Ted) and Storti.

An Act relating to veterans' benefits; providing for the payment of a bonus to certain



veterans of the armed forces from the state of Washington from the current statutory excise tax on cigarettes and such additional means as the legislature shall provide, providing a burial allowance, amending section 2 chapter 272, Laws of 1959 and RCW 73.32.130, making an appropriation; and providing penalties.

Referred to Committee on Parks, Capitol Grounds and Veterans' Affairs.

#### MOTION

On motion of Senator Durkan, the rules were suspended and additional sponsors were added to Senate Bill No. 6

#### SENATE BILL NO. 7, by Senators Fleming and Francis.

An Act relating to discriminatory practices and prohibiting discriminatory bases on sex, race, creed, color or national origin, amending section 1, chapter 183, Laws of 1949 as last amended by section 1, chapter 167, Laws of 1969 ex sess and RCW 49.60.010; amending section 12, chapter 183, Laws of 1949 as amended by section 2, chapter 37, Laws of 1957 and RCW 49.60.020; amending section 2 chapter 183, Laws of 1949 as last amended by section 2, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.030; amending section 3, chapter 183, Laws of 1949 as last amended by section 3, chapter 167, Laws of 1969 ex sess and RCW 49.60.040, amending section 8, chapter 270, Laws of 1955 as amended by section 7, chapter 37, Laws of 1957 and RCW 49.60.120; amending section 9, chapter 270, Laws of 1955 and RCW 49.60.130; amending section 1, chapter 68, Laws of 1959 and RCW 49.60.175, amending section 9, chapter 37, Laws of 1957 as amended by section 1, chapter 100, Laws of 1961 and RCW 49.60.180, amending section 10, chapter 37, Laws of 1957 as amended by section 2, chapter 100, Laws of 1961 and RCW 49.60.190; amending section 11, chapter 37, Laws of 1957 as amended by section 3, chapter 100, Laws of 1961 and RCW 49.60.200; amending section 14, chapter 37, Laws of 1957 and RCW 49.60.215, amending section 4, chapter 167, Laws of 1969 ex sess and RCW 49.60.222; amending section 5, chapter 167, Laws of 1969 ex sess. and RCW 49.60.223, amending section 6, chapter 167, Laws of 1969 ex sess and RCW 49.60.224, amending section 7, chapter 167, Laws of 1969 ex sess and RCW 49.60.225, and declaring an emergency.

Referred to Judiciary Committee

#### SENATE BILL NO. 8, by Senator Huntley, Day, Guess and Talley:

An Act relating to cemetery districts, amending section 1, chapter 6, Laws of 1947 as last amended by section 1, chapter 99, Laws of 1957, and RCW 68.16.010; and amending section 13, chapter 6, Laws of 1947 as last amended by section 2, chapter 23, Laws of 1959 and RCW 68.16.130

Referred to Committee on Cities, Towns and Counties.

#### MOTION

On motion of Senator Huntley, the rules were suspended and additional sponsors added to Senate Bill No. 8.

#### SENATE BILL NO. 9, by Senator Dore:

An Act relating to education, including the transportation of students or pupils therefor, adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.24 RCW; and declaring an emergency

Referred to Committee on Education.

#### SENATE BILL NO. 10, by Senator Gissberg.

An Act relating to probate law and procedure, amending section 11.76.080, chapter 145, Laws of 1965 as amended by section 4, chapter 70, Laws of 1969 and RCW 11.76.080, amending section 11.76.090, chapter 145 Laws of 1965 and RCW 11.76.090, amending section 11.76.095, chapter 145, Laws of 1965 and RCW 11.76.095, amending section

11.88.020, chapter 145, Laws of 1965 and RCW 11.88.020; and amending section 11.92.010, chapter 145, Laws of 1965 and RCW 11.92.010.

Referred to Judiciary Committee.

SENATE BILL NO. 11, by Senators Peterson (Ted), Woodall and Stender:

An Act relating to education, including the transportation of students or pupils therefor, and adding a new section to chapter 223, Laws of 1969 ex sess and to chapter 28A 24 RCW.

Referred to Committee on Education

SENATE BILL NO. 12, by Senator Walgren:

An Act relating to higher education, and amending section 28B.15.010, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.010.

Referred to Committee on Higher Education and Libraries.

SENATE BILL NO. 13, by Senators Odgaard, Donohue and Stender:

An Act relating to the state board of education, amending sections 28A 04 010, 28A 04 020, 28A 04 030, 28A 04 040 and 28A 04 080, chapter 223, Laws of 1969 ex sess and RCW 28A 04 010, 28A 04 020, 28A 04 030, 28A 04 040 and 28A 04 080, amending sections 29 18 040, 29 18 050 and 29 27 110, chapter 9, Laws of 1965 and RCW 29 18 040, 29 18 050 and 29 27 110; adding new sections to chapter 223, Laws of 1969 ex sess and to chapter 28A 04 RCW repealing section 28A 04 050 chapter 223, Laws of 1969 ex sess, and RCW 28A 04 050; and repealing section 28A 04 060, chapter 223, Laws of 1969 ex sess as amended by section 25, chapter 283 Laws of 1969 ex sess and RCW 28A 04 060

Referred to Committee on Education.

SENATE BILL NO. 14, by Senator Atwood:

An Act relating to the election of county sheriff and county prosecuting attorney; and adding a new section to chapter 29 21 RCW.

Referred to Committee on Constitution, Elections and Legislative Processes.

SENATE BILL NO. 15, by Senator Atwood:

An Act relating to elections, providing for the regulation and reporting of campaign contributions and expenditures; establishing an elections commission, adding a new chapter to chapter 9, Laws of 1965 and to Title 29 RCW, repealing section 29 18 140, chapter 9 Laws of 1965, section 9 chapter 50, Laws of 1965 ex sess and RCW 29 18 140, and prescribing penalties.

Referred to Committee on Constitution, Elections and Legislative Processes

SENATE BILL NO. 16, by Senator Atwood:

An Act relating to county government; providing for initiative and referendum, and adding a new chapter to Title 36 RCW.

Referred to Committee on Constitution, Elections and Legislative Processes.

SENATE BILL NO. 17, by Senators Mardesich, Cooney, Twigg, Peterson (Ted), Stender and Holman (by departmental request):

An Act relating to insurance; creating the Washington Life Insurance Guaranty Association, providing for a board of directors thereof, setting out certain powers, duties, and functions, providing for certain assessments and funds, providing for the termination of the association and for the disposition of funds thereupon, exempting the association from certain taxes, adding certain sections as a new chapter to Title 48 RCW; providing penalties, and declaring an emergency

Referred to Committee on Commerce and Regulatory Agencies

MOTION

On motion of Senator Twigg, the rules were suspended and additional sponsors added to Senate Bill No. 17.

SENATE BILL NO. 18, by Senators Mardesich, Cooney and Twigg (by departmental request):

An Act relating to insurance, creating the Washington Insurance Guaranty Association, providing for a board of directors thereof, setting out certain powers, duties, and functions, providing for certain assessments and funds, providing for the termination of the association and for the disposition of funds thereupon, exempting the association from certain taxes; adding a new chapter to Title 48 RCW, providing penalties, and declaring an emergency.

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO. 19, by Senators Walgren and Twigg (by Municipal Committee request):

An Act relating to state and local government, and adding a new section to chapter 183, Laws of 1923 and to chapter 39.04 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 20, by Senators Walgren, Twigg and Andersen (by Municipal Committee request)

An Act relating to narcotic and dangerous drugs; defining crimes, amending section 69.33 220, chapter 27, Laws of 1959 as amended by section 7, chapter 256, Laws of 1969 ex sess and RCW 69.33 220, amending section 69.33 230, chapter 27, Laws of 1959 and RCW 69.33 230; amending section 69.33 4.0, chapter 27, Laws of 1959 as amended by section 20, chapter 38, Laws of 1963 and RCW 69.33.410 amending section 1, chapter 23, Laws of 1955 as last amended by section 2, chapter 71 Laws of 1967 and RCW 69.40 061, amending section 2, chapter 6, Laws of 1939 as last amended by section 10, chapter 256, Laws of 1969 ex sess and RCW 69.40 070, amending section 12, chapter 256, Laws of 1969 ex sess and RCW 69.40 075, amending section 1, chapter 205, Laws of 1963 and RCW 69.40 080 adding new sections to chapter 69.33 RCW; adding new sections to chapter 69.40 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 21, by Senator Walgren (by Municipal Committee request):

An Act relating to second, third, and fourth class municipalities, amending section 35.23 310, chapter 7, Laws of 1965 and RCW 35.23 310; amending section 35.23 400, chapter 7, Laws of 1965 and RCW 35.23 400, amending section 35.24.220, chapter 7, Laws of 1965 and RCW 35.24 220 amending section 35.24 250, chapter 7, Laws of 1965 and RCW 35.24 250; amending section 35.27 300, chapter 7, Laws of 1965 and RCW 35.27 300; amending section 35.27 330, chapter 7, Laws of 1965 and RCW 35.27 330, and adding a new section to Title 35 RCW

Referred to Committee on Cities, Towns and Counties

SENATE BILL NO. 22, by Senators Dore, Peterson (Ted) and Ridder.

An Act relating to the protection of Puget Sound.

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO. 23, by Senators Guess and Matson:

An Act relating to public employees

Referred to Committee on State Government

SENATE BILL NO. 24, by Senator Guess.

An Act relating to education, adding a new section to chapter 223, Laws of 1969 ex sess. and to chapter 28A.58 RCW; and providing penalties.

Referred to Committee on Education.

**SENATE BILL NO. 25, by Senator Guess:**

An Act relating to education, and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW

Referred to Committee on Education

**SENATE BILL NO. 26, by Senators Peterson (Lowell), Talley and Donohue:**

An Act relating to game, and adding new sections to chapter 36, Laws of 1955 and to chapter 77.12 RCW.

Referred to Committee on Natural Resources, Fisheries and Game.

**SENATE BILL NO. 27, by Senator Talley:**

An Act relating to law enforcement officers, fire fighters, and volunteer firemen; providing life insurance for those killed in the line of duty; and adding new sections to Title 41 RCW

Referred to Committee on Cities, Towns and Counties

**SENATE BILL NO. 28, by Senators Talley, Knoblauch and Whetzel (by Legislative Council request).**

An Act relating to state hospitals for the mentally ill; and amending section 72.23.230, chapter 28, Laws of 1959 as amended by section 1, chapter 60, Laws of 1959 and RCW 72.23.230

Referred to Committee on Public Institutions

**SENATE BILL NO. 29, by Senators Mardesich and Gassberg**

An Act relating to political campaigns.

Referred to Committee on Constitution, Elections and Legislative Processes.

**SENATE BILL NO. 30, by Senators Metcalf, Day and Canfield:**

An Act relating to preservation of the educational process at public institutions of higher learning; and providing for the expulsion of students.

Referred to Committee on Higher Education and Libraries

**SENATE BILL NO. 31, by Senator Francis.**

An Act relating to domestic relations, requiring a blood test to obtain a marriage license; and adding a new section to chapter 26.04 RCW.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

**SENATE BILL NO. 32, by Senators Francis and Stender**

An Act relating to actions by parents for death of or injury to their children; and amending section 9, page 4, Laws of 1869 as last amended by section 1, chapter 81, Laws of 1967 ex. sess. and RCW 4.24.010

Referred to Judiciary Committee

**SENATE BILL NO. 33, by Senators Washington, Henry, Bailey, McDougall, Ridder, Talley, Elicker, Gardner, Jolly, Odegard and Donohue.**

An Act relating to state government, creating a state mortgage insurance authority; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Manufacturing and Industrial Development

**MOTION**

On motion of Senator Washington, the rules were suspended and additional sponsors were added to Senate Bill No. 33

**SENATE BILL NO. 34, by Senators Washington, Henry, Bailey, McDougall, Ridder, Talley, Elicker, Gardner, Jolly, Odegard and Donohue.**

An Act relating to taxation; providing tax exemptions and credits to encourage industrial dispersion and diversification; and adding new sections to Title 82 RCW.

Referred to Committee on Manufacturing and Industrial Development

#### MOTION

On motion of Senator Washington, the rules were suspended and additional sponsors were added to Senate Bill No. 34

SENATE BILL NO. 35, by Senator Wilson.

An Act relating to higher education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B 40 RCW; and declaring an emergency.

Referred to Committee on Higher Education and Libraries.

SENATE BILL NO. 36, by Senator Mardesich and Dore

An Act relating to state government, prohibiting the attorney general and full time assistant attorney general from the practice of law in their private capacity as attorneys; amending section 43 10 010, chapter 8, Laws of 1965 and RCW 43 10 010; adding new sections to chapter 43.10 RCW; and providing penalties

Referred to Judiciary Committee.

SENATE BILL NO. 37, by Senator Wilson.

An Act relating to tax collection; and amending section 84 56.340, chapter 15, Laws of 1961 and RCW 84 56 340

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 38, by Senator Francis:

An Act relating to decedents estates, allowing for the collection by affidavit of decedent's personal property in small estates, amending section 30 20 020, chapter 33, Laws of 1955 as amended by section 2, chapter 280, Laws of 1961, and RCW 30 20 020; amending section 32 12 020, chapter 13, Laws of 1955 as last amended by section 2, chapter 55, Laws of 1969, and RCW 32 12 020, amending section 46, chapter 235, Laws of 1945 as amended by section 6 chapter 246, Laws of 1963, and RCW 33 20 080, amending section 2, chapter 139, Laws of 1939 as amended by section 1, chapter 210, Laws of 1967, and RCW 49 48 120; creating a new chapter in Title 11 RCW, adding a new section to chapter 46 12 RCW, adding a new section to chapter 23A 08 RCW, and repealing section 1, chapter 85, Laws of 1965 and RCW 23.01 226.

Referred to Judiciary Committee

SENATE BILL NO. 39, by Senators Washington, Henry, Bailey, McDougall, Ridder, Talley, Elicker, Gardner, Jolly, Odegaard and Donohue

An Act relating to state government; establishing the state industrial dispersion authority; describing its powers, duties, functions and responsibilities; providing for a state industrial dispersion advisory committee; setting out its powers and duties, authorizing port district participation in the encouragement of industrial growth in noncongested areas of such districts, setting out port district powers and duties, adding a new chapter to Title 53 RCW; and making an appropriation.

Referred to Committee on Manufacturing and Industrial Development.

#### MOTION

On motion of Senator Washington, the rules were suspended and additional sponsors were added to Senate Bill No. 39

SENATE BILL NO. 40, by Senators Francis and Anderson:

An Act relating to civil procedure; amending section 11 76 100, chapter 145, Laws of

1965 and RCW 11.76.100, and amending section 36.23.065, chapter 4, Laws of 1963 and RCW 36.23.065.

Referred to Judiciary Committee

SENATE BILL NO. 41, by Senators Washington, Henry, Bailey, McDougall, Ridder, Talley, Ellicker, Gardner, Jolly, Odegaard and Donohue.

An Act relating to state government, establishing the state industrial diversification authority, describing its powers, duties, functions and responsibilities, authorizing port district participation in the encouragement of nonaerospace associated industrial growth in the Puget Sound metropolitan area, setting out port district powers and duties, adding a new chapter to Title 53 RCW, and making an appropriation

Referred to Committee on Manufacturing and Industrial Development

#### MOTION

On motion of Senator Washington, the rules were suspended and additional sponsors were added to Senate Bill No. 41.

SENATE BILL NO. 42, by Senators Lewis and Jolly (by Legislative Council request)

An Act relating to forest protection, amending section 8, chapter 125, Laws of 1911 as last amended by section 1 chapter 82, Laws of 1965, and RCW 76.04.150, and amending section 1, chapter 223, Laws of 1927 as last amended by section 1, chapter 142, Laws of 1955, and RCW 76.04.170

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 43, by Senators Durkan, Atwood and Francis.

An Act relating to education and certain employer-employee relations including establishing an education mediation and arbitration service and prescribing the duties and authority thereof, amending sections 28A.72.010, 28A.72.020, 28A.72.050 and 28A.72.080, chapter 223, Laws of 1969 ex sess and RCW 28A.72.010 28A.72.020, 28A.72.050 and 28A.72.080, amending section 28A.72.060, chapter 223, Laws of 1969 ex sess as amended by section 3, chapter 52, Laws of 1969 ex sess and RCW 28A.72.060; amending section 28B.50.580, chapter 223, Laws of 1969 ex sess as amended by section 29, chapter 283, Laws of 1969 ex sess and RCW 28B.50.580, and providing penalties

Referred to Committee on Higher Education and Libraries

SENATE BILL NO. 44, by Senators Odegaard, Wilson, Huntley, Bailey, Washington, Henry, Donohue, McDougall and Jolly

An Act relating to education, amending section 14, chapter 244, Laws of 1969 ex sess and RCW 28A.41.140; and making an effective date.

Referred to Committee on Education.

#### MOTION

On motion of Senator Odegaard, the rules were suspended and additional sponsors were added to Senate Bill No. 44

SENATE BILL NO. 45, by Senators Durkan, Foley, Guess and Sandison

An Act relating to revenue and taxation, amending section 1, chapter 132, Laws of 1967 ex sess as amended by section 62, chapter 762 Laws of 1969 ex sess and RCW 84.36.128, amending section 3, chapter 8, Laws of 1970 ex sess and RCW 84.36.129; and prescribing an effective date

Referred to Committee on Ways and Means—Revenue and Taxation.

#### MOTION

On motion of Senator Durkan, the rules were suspended and additional sponsors were added to Senate Bill No. 45

SENATE BILL NO. 46, by Senators Wilson and Odegaard.

An Act relating to school districts; amending section 28A 24.055, chapter 223, Laws of 1969 ex sess. as amended by section 3, chapter 153, Laws of 1969 ex sess. and RCW 28A 24.055, creating new sections; and declaring an emergency.

Referred to Committee on Education

SENATE BILL NO. 47, by Senators Henry, Knoblauch and Huntley (by departmental request)

An Act relating to motor vehicles, amending section 46 08 120, chapter 12, Laws of 1961 as amended by section 45, chapter 170 Laws of 1965 ex. sess. and RCW 46 01 260; amending section 18, chapter 121, Laws of 1965 ex. sess. as amended by section 13, chapter 170, Laws of 1969 ex sess. and RCW 46 20 205, and amending section 62, chapter 155, Laws of 1965 ex. sess. as amended by section 68, chapter 32, Laws of 1967 and RCW 46 61.515

Referred to Committee on Highways.

SENATE BILL NO. 48, by Senators Peterson Lowell), Connor and Guess (by departmental request).

An Act relating to registration of guns, and amending section 7, chapter 172, Laws of 1935 as amended by section 6, chapter 124, Laws of 1961 and RCW 9 41 070.

Referred to Judiciary Committee.

SENATE BILL NO. 49, by Senators Washington, Henry and Huntley (by departmental request):

An Act relating to motor vehicle wreckers, amending section 46 80 020, chapter 12, Laws of 1961, as amended by section 94, chapter 32, Laws of 1967 and RCW 46 81 020; amending section 46 80 030, chapter 12 Laws of 1961, as last amended by section 1, chapter 13, Laws of 1967 ex sess. and RCW 46 80 030, amending section 46 80 040, chapter 12, Laws of 1961, as amended by section 96, chapter 32, Laws of 1967 and RCW 46 80 040 amending section 46 80 050, chapter 12, Laws of 1961, as last amended by section 2, chapter 13, Laws of 1967 ex. sess. and RCW 46 80 050, amending section 46 80 070 chapter 12, Laws of 1961, as amended by section 98, chapter 32, Laws of 1967 and RCW 46 80 070, amending section 46 80 080, chapter 12, Laws of 1961, as amended by section 99, chapter 32, Laws of 1967 and RCW 46 80 080, amending section 46 80 090, chapter 12, Laws of 1961, as amended by section 100, chapter 32, Laws of 1967 and RCW 46 80 090, amending section 46 80 110, chapter 12, Laws of 1961, as last amended by section 3, chapter 13, Laws of 1967 ex sess. and RCW 46 80 110, amending section 46 80 130 chapter 12, Laws of 1961, as last amended by section 4, chapter 13, Laws of 1967 ex sess. and RCW 46 80 130, amending section 46 80 150, chapter 12, Laws of 1961, as last amended by section 5, chapter 13, Laws of 1967 ex sess. and RCW 46 80 150, and adding a new section to chapter 12, Laws of 1961 and to chapter 46.80 RCW.

Referred to Committee on Highways.

SENATE BILL NO. 50, by Senators Guess, Washington and Odegaard (by departmental request).

An Act relating to motor vehicles; and amending section 6, chapter 169, Laws of 1963 and RCW 46.29.060.

Referred to Judiciary Committee.

SENATE BILL NO. 51, by Senators Day, Murray and Ridder (by departmental request).

An Act relating to businesses and professions, amending section 10, chapter 323, Laws of 1959 and RCW 18 08 190, amending section 7, chapter 75, Laws of 1923, as last amended by section 9, chapter 223, Laws of 1967 and RCW 18 5 060, amending section 7, chapter 180, Laws of 1951, as last amended by section 1, chapter 3, Laws of 1965 ex sess. and RCW 18 18 140, amending section 6, chapter 149, Laws of 1955 as amended by section 2, chapter 97, Laws of 1965 and RCW 18.22 120, amending section 10, chapter 5, Laws of 1919, as amended by section 5, chapter 53, Laws of 1959 and RCW 18.25 070,



amending section 3, chapter 201, Laws of 1967 and RCW 18.28.030; amending section 1, chapter 83, Laws of 1953 and RCW 18.36.115, amending section 6, chapter 108, Laws of 1937 and RCW 18.39.050, amending section 13, chapter 144, Laws of 1919, as amended by section 1, chapter 275, Laws of 1955 and RCW 18.53.050, amending section 6, chapter 4, Laws of 1919 and RCW 18.57.050, amending section 7, chapter 239, Laws of 1949, as amended by section 6, chapter 64, Laws of 1961 and RCW 18.74.070, amending section 10, chapter 222, Laws of 1949, as last amended by section 4, chapter 79, Laws of 1967 and RCW 18.78.090; amending section 20, chapter 70, Laws of 1965 and RCW 18.83.072; amending section 9, chapter 305, Laws of 1955, as amended by section 9, chapter 70, Laws of 1965 and RCW 18.83.090, amending section 43, chapter 52, Laws of 1957 and RCW 18.85.200, amending section 4, chapter 200, Laws of 1959 and RCW 18.90.040, and amending section 19, chapter 71, Laws of 1941, as last amended by section 9, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.145

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

**SENATE BILL NO 52**, by Senators Greive, Knoblauch, Peterson (Ted), Talley, Lewis and Keefe (by Legislative Council request):

An Act relating to solid waste collection districts; amending section 9, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.090, adding new sections to chapter 36.32 RCW, repealing section 1, chapter 155, Laws of 1933 as amended by section 1, chapter 98, Laws of 1941 and RCW 55.04.010, repealing sections 2 through 7, chapter 155, Laws of 1933 and RCW 55.04.020, 55.04.030, 55.08.010, 55.08.020, 55.12.010 and 55.12.020, and declaring an emergency

Referred to Committee on Commerce and Regulatory Agencies

**SENATE BILL NO 53**, by Senators Peterson (Ted), Knoblauch, Greive, Talley and Lewis (by Legislative Council request):

An Act relating to motor vehicles; providing for the demolition of motor vehicles and regulating hulk haulers, amending section 46.12.050, chapter 12, Laws of 1961 as amended by section 9, chapter 32, Laws of 1967 and RCW 46.12.050; amending section 3, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.102; amending section 46.52.110, chapter 12, Laws of 1961 as last amended by section 6, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.110, amending section 46.68.130, chapter 12, Laws of 1961 as last amended by section 1, chapter 83, Laws of 1963 and RCW 46.68.130; amending section 46.80.010, chapter 12, Laws of 1961 and RCW 46.80.010, amending section 46.80.020, chapter 12, Laws of 1961 as amended by section 94, chapter 32, Laws of 1967 and RCW 46.80.020, amending section 46.80.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 13, Laws of 1967 ex. sess. and RCW 46.80.030, amending section 46.80.040, chapter 12, Laws of 1961 as amended by section 96, chapter 32, Laws of 1967 and RCW 46.80.040, amending section 46.80.050, chapter 12, Laws of 1961 as last amended by section 2, chapter 13, Laws of 1967 ex. sess. and RCW 46.80.050, amending section 46.80.060, chapter 12, Laws of 1961 and RCW 46.80.060, amending section 46.80.070, chapter 12, Laws of 1961 as amended by section 98, chapter 32, Laws of 1967 and RCW 46.80.070, amending section 46.80.080, chapter 12, Laws of 1961 as amended by section 99, chapter 32, Laws of 1967 and RCW 46.80.080, amending section 46.80.090, chapter 12, Laws of 1961 as amended by section 100, chapter 32, Laws of 1967 and RCW 46.80.090, amending section 46.80.100, chapter 12, Laws of 1961 as amended by section 101, chapter 32, Laws of 1967 and RCW 46.80.100; amending section 46.80.110, chapter 12, Laws of 1961 as last amended by section 3, chapter 13, Laws of 1967 ex. sess. and RCW 46.80.110; amending section 46.80.120, chapter 12, Laws of 1961 and RCW 46.80.120, amending section 46.80.130, chapter 12, Laws of 1961 as last amended by section 4, chapter 13, Laws of 1967 ex. sess. and RCW 46.80.130, amending section 46.80.160, chapter 12, Laws of 1961 and RCW 46.80.160; adding a new section to chapter 46.01 RCW, adding new sections to chapter 46.52 RCW, adding a new section to chapter 46.68 RCW; adding a new section to chapter 46.80 RCW; and providing penalties.

Referred to Judiciary Committee

SENATE BILL NO 54, by Senators Greive, Knoblauch, Peterson (Ted), Tahey and Lewis (by Legislative Council request)

An Act relating to waterfront lands; and providing for restrictions on its use and the acquisition of scenic easements

Referred to Committee on Natural Resources, Fisheries and Game.

#### MOTION

On motion of Senator Greive, the rules were suspended and additional sponsors were added to Senate Bills Nos. 52, 53 and 55.

SENATE BILL NO. 55, by Senators Peterson (Ted) and Ellicker:

An Act relating to wildlife, amending section 77.12.030, chapter 36, Laws of 1955 as amended by section 2, chapter 18, Laws of 1969 ex sess. and RCW 77.12.030, adding a new section to chapter 77.16 RCW; and defining crimes.

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO 56, by Senators Atwood, Henry and Tahey (by departmental request).

An Act related to civil defense and emergency services; amending section 13, chapter 178, Laws of 1951 as amended by section 1, chapter 210, Laws of 1955 and RCW 38.52.110; amending section 11, chapter 178, Laws of 1951 as amended by section 1, chapter 145, Laws of 1953 and RCW 38.52.180, amending section 5, chapter 223, Laws of 1953 and RCW 38.52.220, and adding new sections to chapter 178, Laws of 1951 and to chapter 38.52 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 57, by Senators Holman, Wilson and Ellicker:

An Act relating to appointment and payment of counsel and payment of certain costs and expenses for indigents, amending section 5, chapter 126, Laws of 1913 as last amended by section 1, chapter 31, Laws of 1970 ex sess. and RCW 2.32.240, and amending section 2, chapter 133, Laws of 1965 as amended by section 2, chapter 31, Laws of 1970 ex. sess. and RCW 10.01.112

Referred to Judiciary Committee.

Senators Greive, Peterson (Ted) and Metcalf demanded a Call of the Senate.

A Call of the Senate was ordered.

#### CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber.

On motion of Senator Greive, the Senate proceeded subject to roll call.

#### MOTIONS

At 2:20 p.m., on motion of Senator Greive, the Senate recessed until 3:35 p.m.

On motion of Senator Greive, the Senate dispensed with the Call of the Senate.

At 3:35 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Wednesday, January 13, 1971.

JOHN A. CHERBERG, President of the Senate

SIDNEY R. SNYDER, Secretary of the Senate.

## THIRD DAY

## MORNING SESSION

Senate Chamber Olympia, Wash., Wednesday, January 13, 1971.

The Senate was called to order at 11 00 a m by President Cherberg The Secretary called the roll and announced to the President that all Senators were present except Senators Gissberg, Mardesich and Whetzel On motion of Senator Keefe, Senators Gissberg and Mardesich were excused On motion of Senator McDougall, Senator Whetzel was excused

The Color Guard, consisting of Pages Carol Fricke, Color Bearer, and John Foster presented the Colors Father James McGreal, pastor of St. Michael's Church of Olympia, offered prayer as follows:

"God our Father, we claim we cannot find You because we are distracted and upset and 'put upon' by the unceasing demands of those whom we represent. But if we listen carefully we see that You are speaking to us in the very incidents that we find annoying and distracting. In this experience, You are actually pulling us out of our stale, tired, well worn comfortable ways and causing us to see that we can truly succeed on Your terms, not on ours. Help us to understand and ponder over this thought in our everyday dealings with people. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 58, by Senators McDougall, Matson, Durkan, Mardesich, Greive, Lewis, Stortini and Stender (by executive request).

An Act relating to unemployment compensation; amending section 11, chapter 2, Laws of 1970 ex sess and RCW 50.29.020, adding new sections to chapter 35, Laws of 1945 and to Title 50 RCW as a new chapter therein, repealing section 23, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.127, establishing effective dates, and declaring an emergency.

## MOTIONS

On motion of Senator McDougall, the rules were suspended and additional sponsors were added to Senate Bill No. 58.

On motion of Senator Greive, the rules were suspended, Senate Bill No. 58 was advanced to second reading and read the second time in full.

Senator Greive moved adoption of the following amendment by Senators Greive, Durkan, Stortini and Mardesich

On page 3, section 2, line 23, after "RCW 50.20.127" and before "and" insert a period and strike the remainder of subsection (9)

Debate ensued

Senator Greive demanded a roll call and the demand was sustained by Senators Francis, McCutcheon, Washington, Henry, Peterson (Lowell), Odegaard, Connor, Walgren and Knoblauch

## ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 28; nays, 17; absent or not voting, 1; excused, 3

Voting yea Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Stender, Stortini, Talley, Wagren, Washington, Wilson - 28

Voting nay Senators Andersen, Atwood, Canfield, Clarke, Ellicker, Guess, Hoeman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Scott, Twigg, Woodall - 17.

Absent or not voting. Senator Sandison - 1

Excused. Senators Gissberg, Mardesich, Whetzel - 3.

Senator Greive moved adoption of the following amendment by Senators Greive, Durkan Stortini and Mardesich

On page 3, section 2, beginning on line 25, strike all of subsections (10) and (11) and renumber the remaining subsections consecutively.

Debate ensued.

### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote Yeas, 28, nays, 17, absent or not voting, 1; excused, 3.

Voting yea Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Stender, Stortini, Talley, Wagren, Washington, Wilson - 28.

Voting nay Senators Andersen, Atwood, Canfield, Clarke, Ellicker, Guess, Hoeman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Scott, Twigg, Woodall - 17

Absent or not voting. Senator Sandison - 1.

Excused. Senators Gissberg, Mardesich, Whetzel - 3

Senator Greive moved adoption of the following amendment by Senators Greive, Durkan Stortini and Mardesich

Strike all of sections 8, 9 and 10 and substitute the following

"NEW SECTION. Sec. 8. No individual shall receive both extended benefits and additional benefits during or in respect to the same week. An individual may become eligible to receive additional benefits under this section with respect to a week of unemployment only if he is not eligible to receive extended benefits under this 1971 amendatory act with respect to that week

Sec. 9. Section 23, chapter 2, Laws of 1970 ex sess, and RCW 50.20 127 are each amended to read as follows

An individual who has received the maximum amount allowable in his benefit year may, if otherwise eligible, draw '[extended] additional benefits' in those weeks in his benefit year which begin in an '[extended] additional benefit period' and, if his benefit year ends within such '[extended] additional benefit period, in the next thirteen or fewer weeks which begin in such '[extended] additional benefit period' PROVIDED, That the individual shall not draw such '[extended] additional benefits' in any week during which he could establish entitlement to regular unemployment benefits under any state or federal law

[If a federal enactment provides for reimbursing the state for certain benefits paid for weeks of extended unemployment, the extended benefits shall be paid in the regular manner, and the reimbursements shall be credited to the unemployment compensation fund.]

(1) '[Extended] Additional benefits' are additional benefits payable at the weekly rate applicable for the individual during the benefit year for which he has received the maximum sum allowable [Extended] Additional benefits for an individual cannot exceed whichever is the lesser of thirteen times his weekly benefit amount or one-half his [previous] regular entitlement [, and] PROVIDED, That the combined total of his regular unemployment compensation plus his extended and additional benefits cannot exceed [thirty-nine] fifty-two times his weekly amount.

(2) An '[extended] additional benefit period' means a period commencing with the third calendar week immediately following any thirteen-week period (known for purposes of this section as the thirteen-week computation period) during which the average rate of insured unemployment (is equal to or greater than one hundred twenty percent of the average of the rates of insured unemployment for the corresponding thirteen week periods in each of the two preceding calendar years and ending with the third week immediately following any thirteen week period during which such rate was less than one hundred twenty percent of the average rate of insured unemployment for the corresponding thirteen week periods in each of the two preceding years. PROVIDED, That an extended benefit

period shall not commence unless the yearly average insured unemployment rate as computed at the end of the [for the preceding thirteen-week computation period is equal to at least five percent and ending with the third week immediately following any thirteen week period during which such rate was less than five percent No [extended] additional benefit period shall be less than thirteen weeks in length and no [extended] additional benefit period shall commence at any time an [extended] additional benefit period is already in effect

(3) 'Insured unemployment' for any week as used for this computation means the number of weeks of unemployment claimed in Washington for that week, excluding weeks of unemployment claimed in connection with unemployment compensation programs which are exclusively federal [and excluding any weeks claimed by an individual following the week in which benefits based on his original entitlement were exhausted]

(4) 'Insured employment' means the average monthly employment reported by employers for a twelve-month period.

(5) For purposes of this section the rate of 'insured unemployment for any week' is the ratio obtained by dividing insured unemployment for that week by insured employment for the twelve-month period ending six months immediately prior to the calendar quarter in which the week began.

(6) Rates of insured unemployment shall be computed for each calendar week. After each week the insured unemployment rates for the thirteen consecutive weeks ending with that week shall be averaged [and the average shall be compared with the average of the rates of insured unemployment for the corresponding thirteen week periods of the two preceding years. After each week the insured unemployment rates for the fifty-two consecutive weeks ending with that week shall be averaged to yield a yearly average insured unemployment rate The commissioner shall by regulation prescribe how corresponding weeks are to be determined]. Computations involving division shall be carried to four decimal places."

Renumber the remaining section as "Sec. 10."

Debate ensued

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 29; nays, 17; excused, 3.

Voting yea: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Greive, Henry, Hert, Jolly, Keefe, Knoblauch, McCutcheon, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortin, Talley, Walgren, Washington, Wilson—29

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Ellicker, Guess, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Scott Twigg, Woodall—17.

Excused: Senators Gissberg, Mardesich, Whetzel—3

On motion of Senator Greive, the following amendments to the title were adopted:

In line 1 of the title after "compensation;" and before "adding" in line 2 strike "amending section 11, chapter 2, Laws of 1970 ex. sess. and RCW 50 29.020;" and insert "amending section 23, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.127;"

In line 4 of the title after "therein;" and before "establishing" in line 5 strike "repealing section 23, chapter 2, Laws of 1970 ex. sess. and RCW 50 20 127;"

On motion of Senator Greive, the rules were suspended, Engrossed Senate Bill No 58 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

#### POINT OF INQUIRY

Senator Newschwander: "Will Senator McDougall yield to a question? Senator, as the prime sponsor of this bill, could you tell us, for the record, what these amendments do and maybe how you plan to vote for the bill?"

Senator McDougall: "First of all, may I just say that what we have essentially done here by the adoption of these amendments is to do this; we now have thirty-nine weeks of regular benefits which an unemployed person can draw unemployment compensation benefits contrasted to the thirty which presently was in existence. We have indicated and said that any time that unemployment in this state reaches five percent that it automatically triggers in this thirty-nine-week regular benefits procedure

"Senator Greive, contrary to what you said about the 120% feature, I think that if you will look at your amendment on page two that this particular language is completely eliminated now by the adoption of that amendment. There was reference to the 120% but it is no longer in there. We have no way of excluding ourselves or getting ourselves out of this five percent unemployment any more.



"In addition to this, we have, the majority has, gone along with the thirteen weeks of federal-state benefits which was one of the primary purposes of this bill so that we could get fifty-fifty federal-state financing for this emergency procedure. This makes a total of fifty-two weeks of benefits.

"There is no cutoff date of October 2 as was originally placed in the Governor's bill and it is estimated by the department that between October 2 and December 31 there could be an additional five million dollar decrease, five million dollars of state funds and five million dollars of federal funds in the unemployment compensation fund.

"Now I would agree with the majority that if need be, and there are periods of high unemployment such as we are experiencing now, then I would say that we need to take that restrictive October 2 date out and make sure that these people are able to receive benefits. I don't think that any of us are arguing that they are entitled to it in this crisis which this state is in right now.

"This then is the bill as it will be passed, by the adoption of the amendments. The original bill said something like this we have, up to thirty weeks of regular benefits. We too would have adopted the language which would have allowed thirteen weeks of federal-state benefits on the fifty-fifty share basis and in addition we would have passed thirteen weeks of emergency benefits which would not have been paid by the federal government but would have been paid by the state.

"Now I know this exceeds the fifty-two weeks when you add it up but essentially that is the maximum number of weeks that anybody can draw unemployment compensation benefits anyway so we haven't denied anybody in this state the opportunity to receive unemployment compensation benefits but all we have done basically is to change a very good bill which we passed here in 1970 and made it even more liberal than what it was before. Probably one of the most liberal bills in the United States at this time.

"None of us are opposed to granting these benefits and we are anxious to see this bill pass and I suppose I am not the first individual who ever sponsored a measure and then finds himself having to vote against it because it has been amended to the extent that I cannot in my own conscience vote for it now. Nonetheless I would hope that the House would make some of the corrective amendments and make this bill more palatable so that some of us can vote for the bill."

Senator Greve: "I want to endorse pretty much what Senator McDougall said but as a matter of personal pride, I want to again correct him so he will find what I said was correct. What he is talking about are the so-called extended benefits. If you get to the third stage, five percent is all that is necessary. What I was explaining was that there is three stages here. There is the first stage, the one to thirty. Then there is the first one to thirteen weeks, then the second one to thirteen weeks.

"Now at the end of the thirty weeks and when you go into the one to thirty there is a different trigger point than there is for the extended benefits. The extended benefits are five percent. What I said was, and I repeat, that formerly we have made it 120% of the past two comparable quarters, the past two years plus five percent and the federal government has forced us to comply to make ours four percent. In any event, that is the first trigger.

"The second trigger is the five percent trigger to which you were referring. In any event, I do not think there is any substantial agreement what ever happens is going to help the state of Washington. It is going to be good for the employees, people that we represent and I think it is going to be good for business as well. We have tough times and I think it is time we did something about it if we possibly can."

Further debate ensued

### POINT OF INQUIRY

Senator Ridder: "Would Senator Greve yield to a question? You talk here about trigger points and I hear this word five percent bandied about quite a bit. Is this the employment security figure of unemployed in the state or those unemployed who are drawing unemployment compensation or is it the total unemployed, including those who have gone off benefits?"

Senator Greve: "I do not have any exact figures in front of me but my recollection is something between nine and one-half percent and fifteen percent. Obviously we do not have a problem with the trigger point at the moment but to answer your question specifically, when they measure these trigger points, they measure the covered unemployment. So that means that if, as we have the projections here, some 38,000 people at the end of these extended benefits are off, then they are no longer a part of that figure. My guess is that it is about four percent under. Joe Davis says that is used regularly and he used to be assistant director of that department as well as the big mogul of the labor unions in the state of Washington. He uses three percent all the time and he says that that is conservative.

"I do not think anybody really knows how many people but I think that when he uses the three percent figure and says it is always three percent in any given year under, maybe at the present time it might be a lot higher than that. It might be four and it might be five percent.

"So we know that this is only the covered employment and while it is not essential in today's economy because we have so much more unemployment, we always want to realize that the covered employment is not the real, true picture, true reflection of the unemployment picture in the state of Washington."

## POINT OF INQUIRY

Senator Dore: "Will Senator McDougall, the sponsor of the measure, answer a question? Senator, there was considerable newspaper discussion several months ago whether or not a delay of passage of this enactment during the previous year would lose to the taxpayers of the state of Washington some five million dollars in federal matching funds. I just would like to get your viewpoint on that particular situation. Are we going to lose that amount of money because we are late in passing this bill?"

Senator McDougall: "No, Senator. As soon as this act is passed, if this act is passed by Sunday and signed by the Governor by Sunday, these people are going to be receiving these benefits within the week following the signing of the bill."

Senator Dore: "But it is not retroactive, is it?"

Senator McDougall: "Not to my knowledge."

Senator Dore: "Then won't we lose the fifty percent matching money we could have picked up had we passed this for those people who have gone off the rolls in the last two or three months?"

Senator McDougall: "I am without information on that but I am led to believe that this is not the case, Senator."

Senator Dore: "If it is not retroactive, why wouldn't it be? The fifty percent matching money by the federal government and is not retroactive, so the money that would have been available, as I understand, to the tune of four or five million dollars would be lost to the workers of this state. Wouldn't that be correct, then?"

Senator McDougall: "I do not have that information and if you have it and it is specific, we would like to hear it from you then."

Senator Dore: "Senator Mardesich is not here today unfortunately. I think he has done some research into it. May I ask you another question? I think under your statement you said that some 20,000 people would go off the rolls unless this legislation is enacted?"

Senator McDougall: "No sir, I said that those 20,000 people have already exhausted their unemployment benefits."

Senator Dore: "I see. How many, if this is not passed, will go off the rolls then?"

Senator McDougall: "They are already off the rolls right now. I do not envision, Senator Dore, that this bill is not going to be down to the Governor's office by Sunday for his signature and that it will go into effect at that particular time which is the earliest time that we could have had it anyway."

Senator Dore: "My question is really more basic than that. Assuming that this legislation isn't passed, has there been any studies made or analyses made as to how many of these people will go on the welfare rolls and what expense that would be to the taxpayers?"

Senator McDougall: "Yes, I am quite aware of that and that is why I have joined with others here to sponsor this measure which essentially the original bill took care of this. We have decided to liberalize the entire system here. We are not denying any individual the opportunity, nor do we want to deny him the opportunity, to receive these benefits just as soon as possible. I think both sides of the aisle share that sentiment."

## POINT OF INQUIRY

Senator Woodall: "Would Senator Greive yield to a question? Senator, you referred to Joe Davis as a 'big mogul'. I just picked up the dictionary I read 'mogul' one of the Mongolian conquerors of India or their descendants'. It also says, 'or an important person or a magnate'. Now what sense were you calling him?"

Senator Greive: "If I had to measure Joe Davis, I would put him in both of those categories."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 58, and the bill passed the Senate by the following vote: Yeas, 32; nays, 14, excused, 3.

Voting yeas: Senators Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Ellicker, Fleming, Foley, Francis, Gardner, Greive, Henry, Herr Holman, Jolly, Keefe, Knoblauch, McCutcheon, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Walgren, Washington, Wilson—32.

Voting nays: Senators Andersen, Atwood, Clarke, Guess, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Scott, Twigg, Woodall—14.

Excused: Senators Gissberg, Mardesich, Wetzell—3.

ENGROSSED SENATE BILL NO. 58, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Greve, Engrossed Senate Bill No. 58 was ordered immediately engrossed and transmitted to the House.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Stender, Ridder, Talley and Lewis as a committee of honor to escort the Honorable Tom Allen, mayor of the city of Olympia to a place of honor upon the rostrum

## PRESIDENT'S PRIVILEGE

Mr. President: "Gentlemen of the Senate, ladies and gentlemen, present with us today is a very esteemed and respected public official, the chief executive of the city of Olympia. The President at this time should appreciate the Senate's extending Mayor Tom Allen an opportunity to lobby to the group from the rostrum on a very worthy cause. There have been many illustrious individuals appear on the rostrum to address this august body but none more so than Mayor Tom Allen of the city of Olympia. Mayor Allen."

## REMARKS BY MAYOR TOM ALLEN

Mayor Allen: "Lieutenant Governor Cherberg, distinguished Senators, it is a real privilege for me to be invited here to represent the people of the city of Olympia to welcome you to this legislative session. I have to note that this business of walking up the aisle I presume is calculated to intimidate you and it is successful, John. I am intimidated."

"The people of Olympia are always happy to see the legislature come. You bring with you a great host of interesting elected officials as well as other people that add a lot of spice to our small provincial community. We especially like the fact that you come bearing gifts, so to speak, because you spend a lot of money in our community which kind of livens things up and we appreciate that."

"One Senator chastised me a few minutes ago because of the fact that it always snows when the legislature is in session. Having been around for some time, I can say that this is not always true. There was one legislative session in 1938, I think, when it didn't snow. Personally I am not offended by the snow because I can't make a living in city politics and I operate a fuel business and the snow always helps somewhat in that regard."

"Each of you has had an invitation to the legislative ball which will be held tonight at the Evergreen Inn. We hope you will get your best girl and come to that party regardless of the weather. It is a sellout. We have a wonderful band, we have a new place to hold this occasion and I am sure you will enjoy it."

"I thank you again for letting me appear before you and if there is anything that I or we in the city can do to make your stay here more pleasant or more productive, just call on us. Thank you, John."

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 59, by Senators Woodall Cooney, Twigg and Greve (by Legislative Council request):

An Act establishing a retirement system for judges of courts of record; and creating new sections

Referred to Judiciary Committee

SENATE BILL NO. 60, by Senators Day, Gissberg, Keefe and Guess:

An Act relating to public health and safety requiring a certificate of pregnancy termination; and adding new sections to chapter 70.58 RCW

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO. 61, by Senators Guess, Twigg, Jolly Washington, Day, Huntley, Donohue and Canfield:

An Act relating to the public health and safety, delegating elevator inspection to the department of labor and industries division of safety, amending section 3, chapter 26, Laws of 1963 as amended by section 1, chapter 22, Laws of 1970 ex. sess. and RCW 70.87.030;

and amending section 43 22 011, chapter 8, Laws of 1965 as amended by section 1, chapter 32, Laws of 1969 ex. sess. and RCW 43 22.010

Referred to Committee on Labor and Industrial Insurance

SENATE BILL NO. 62, by Senators Francis, Walgren and Gissberg:

An Act relating to survival of actions and damages, and amending section 1, chapter 137, Laws of 1961 and RCW 4 20 046

Referred to Judiciary Committee.

SENATE BILL NO. 63, by Senators Atwood, Dore and Gissberg

An Act relating to autopsies, amending section 237 chapter 249, Laws of 1909, as last amended by section 2, chapter 178, Laws of 1963, and RCW 68.08.100.

Referred to Judiciary Committee.

SENATE BILL NO. 64, by Senators Atwood, Ridder and Gissberg (by departmental request)

An Act relating to motor vehicles, adding a new section to chapter 12, Laws of 1961 and to chapter 46 20 RCW, and repealing section 46 20 390, chapter 12, Laws of 1961 section 32, chapter 32, Laws of 1967 and RCW 46.20.390.

Referred to Judiciary Committee

SENATE BILL NO. 65, by Senators Woodall, Twigg and Greive (by Legislative Council request)

An Act relating to extradition, and amending section 6, chapter 196, Laws of 1951 as amended by section 4, chapter 45, Laws of 1963, and RCW 26.21.050.

Referred to Judiciary Committee

SENATE BILL NO. 66, by Senators Durkan, Metcalf, Dore, Francis, Huntley, Odgaard, Scott and Ridder (by Joint Committee on Education request, executive request and Superintendent of Public Instruction request)

An Act relating to educational opportunities for all handicapped children; amending section 28A.13 010, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 2, Laws of 1969 ex. sess. and RCW 28A 13 010, amending section 28A.13 020, chapter 223, Laws of 1969 ex. sess. and RCW 28A 13 020; amending section 28A.13 030, chapter 223, Laws of 1969 ex. sess. and RCW 28A 13 030; amending section 28A.13 040, chapter 223, Laws of 1969 ex. sess. and RCW 28A 13 040; amending section 28A.13.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A 13.050; amending section 28A 24.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A 24.100; adding new sections to chapter 28A 13 RCW, adding a new section to chapter 28A 41 RCW, providing penalties; and making an effective date.

Referred to Committee on Education

SENATE BILL NO. 67, by Senators Bailey, Lewis and Walgren (by departmental request)

An Act relating to the Washington public employees' retirement system, amending section 1, chapter 274, Laws of 1947 as last amended by section 1, chapter 128, Laws of 1969, and RCW 41 40.010, amending section 3, chapter 274, Laws of 1947 as last amended by section 2, chapter 174, Laws of 1963, and RCW 41 40 030, amending section 23 chapter 274, Laws of 1947 as last amended by section 7, chapter 291, Laws of 1961, and RCW 41 40 220; amending section 27, chapter 274, Laws of 1947 as last amended by section 12, chapter 174, Laws of 1963, and RCW 41 40 260, amending section 34, chapter 274, Laws of 1947 as last amended by section 12, chapter 128, Laws of 1969 and RCW 41 40 330, amending section 37, chapter 274 Laws of 1947 as last amended by section 15 chapter 174, Laws of 1963, and RCW 41 40 361, amending section 1, chapter 68, Laws of 1970 ex. sess., and RCW 41 40 195, repealing section 1, chapter 223, Laws of 1961 and RCW 41.40.128, and declaring an emergency.

Referred to Committee on Public Pensions and Social Security



SENATE BILL NO. 68, by Senators Ridder, Stender, Bailey and Stortini.

An Act relating to industrial insurance, and amending section 51.32.090, chapter 23, Laws of 1961 as last amended by section 3, chapter 22, Laws of 1965 ex. sess. and RCW 51.32.090.

Referred to Committee on Labor and Industrial Insurance.

SENATE BILL NO. 69, by Senators Talley, Bailey and Stender:

An Act relating to industrial insurance; amending section 51.32.070, chapter 23, Laws of 1961, as last amended by section 1, chapter 166, Laws of 1965 ex. sess. and RCW 51.32.070; making an appropriation; and declaring an effective date.

Referred to Committee on Labor and Industrial Insurance.

SENATE BILL NO. 70, by Senators Dore, Ridder and Connor:

An Act relating to real property mortgages and deeds of trust, staying foreclosure sales, extending redemption periods, and providing for the protection of secured parties, adding new sections to chapter 61.12 RCW; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 71, by Senators Holman, Foley and Newschwander (by departmental request):

An Act relating to the postal savings system, and enacting the Model Escheat of Postal Savings System Accounts Act.

Referred to Committee on Ways and Means Revenue and Taxation.

SENATE BILL NO. 72, by Senators Woodall and Cooney (by Legislative Council request):

An Act relating to debt adjusters; amending section 8, chapter 201, Laws of 1967 as amended by section 2, chapter 141, Laws of 1967 ex. sess. and RCW 18.28.080, amending section 10, chapter 201, Laws of 1967 and RCW 18.28.100, amending section 11, chapter 201, Laws of 1967 and RCW 18.28.110, amending section 12, chapter 201, Laws of 1967 and RCW 18.28.120; and amending section 15, chapter 201, Laws of 1967 and RCW 18.28.150.

Referred to Judiciary Committee.

SENATE BILL NO. 73, by Senators Greive, Twigg, Woodall and Cooney (by Legislative Council request):

An Act relating to evidence; and adding a new section to Title 5 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 74, by Senators Greive, Woodall and Cooney (by Legislative Council request):

An Act relating to the inferior courts, amending section 18 chapter 299, Laws of 1961 and RCW 3.34.090, and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 75, by Senators Woodall, Twigg, Greive and Cooney (by Legislative Council request):

An Act relating to state government, providing for the compensation of certain victims of crimes; adding a new section to chapter 26.16 RCW; making an appropriation, providing an effective date; and providing an expiration date.

Referred to Judiciary Committee.

SENATE JOINT RESOLUTION NO. 1, by Senators Durkan, Donohue, Day, Henry, Knoblauch, Twigg, Keefe, Canfield, Wilson, Guess, Woodall, Herr, Peterson (Lowell), McCutcheon, Ridder and Talley:

Proposing a constitutional amendment to establish the assessed valuation of real and personal property at twenty five percentum of the true and fair value of such property.

## MOTIONS

On motion of Senator Durkan, the rules were suspended and additional sponsors were added to Senate Joint Resolution No. 1.

On motion of Senator Durkan, the rules were suspended, Senate Joint Resolution No. 1 was advanced to second reading and read the second time in full.

On motion of Senator Durkan, Senate Joint Resolution No. 1 was held on second reading for January 14, 1971.

SENATE JOINT RESOLUTION NO. 2, by Senator Huntley:  
Changing assessed valuation requirement to twenty-five percent.  
Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE JOINT RESOLUTION NO. 3, by Senators Dore and Connor:  
Proposing amendment to Article 11, section 16 of the state Constitution to allow local government consolidation.  
Referred to Committee on Constitution, Elections and Legislative Processes.

SENATE JOINT RESOLUTION NO. 4 by Senators Huntley, Talley, Metcalf and Canfield  
Limiting property taxes to one percent of true value  
Referred to Committee on Ways and Means—Revenue and Taxation

## MOTION

On motion of Senator Huntley, the rules were suspended and additional sponsors were added to Senate Joint Resolution No. 4.

SENATE JOINT RESOLUTION NO. 5, by Senators Walgren, Twigg, Keefe, Bailey and Atwood (by Municipal Committee request):  
Authorizing lotteries.  
Referred to Judiciary Committee

SENATE JOINT RESOLUTION NO. 6, by Senators Washington, Henry, Bailey, McDougall, Ridder, Talley, Ellicker, Gardner, Jolly, Odegaard and Donohue  
Providing for state aid for industrial development, dispersion, and pollution control.  
Referred to Committee on Manufacturing and Industrial Development

SENATE JOINT RESOLUTION NO. 7, by Senator Francis:  
Repealing Article 2, section 40 (Amendment 18) of the Washington Constitution relating to highway funds.  
Referred to Committee on Highways.

SENATE JOINT RESOLUTION NO. 8, by Senators Woodall, Twigg, Greive and Cooney (by Legislative Council request):  
Submitting to qualified voters of state an amendment to the Constitution permitting county officer to hold office in two or more contiguous counties.  
Referred to Judiciary Committee.

SENATE CONCURRENT RESOLUTION NO. 1, by Senators Gissberg, Keefe, Woodall, Lewis, Cooney, Durkan and Peterson (Ted) (by Legislative Council request):  
Commending upon retirement, Donald C. Sampson.  
Referred to Committee on Constitution, Elections and Legislative Processes

## MOTION

On motion of Senator Sandison, the rules were suspended and additional sponsors were

added to Senate Bills Nos 59, 60, 61, 66, 68, 73, 75, Senate Joint Resolutions Nos 5, 6 and Senate Concurrent Resolution No. 1.

Senator Greive moved adoption of the following resolution

#### SENATE RESOLUTION 1971-5

By Senator Greive

WHEREAS, It is the desire of the Senate of the state of Washington to attract professional sports here for the enjoyment of the citizens of this state, and

WHEREAS, The presence of professional football in Washington would not only provide enjoyment to its citizens but also bring new business into this state and

WHEREAS, Ralph Wilson, owner of the Buffalo Bills Football Club, recently indicated his interest in bringing his team to Seattle if adequate facilities are made available, and

WHEREAS, The state of Washington currently has facilities which are adequate to satisfy the needs of a professional football team;

NOW, THEREFORE, BE IT RESOLVED, That the Senate requests the Board of Regents of the University of Washington, the Mayor of the City of Seattle, the King County Executive, and the Governor and Legislature of this state to take such action as is necessary to bring Ralph Wilson and the Buffalo Bills Football Club to the state of Washington

Debate ensued

#### POINT OF INQUIRY

Senator Peterson (Ted): "Will Senator Greive yield? Senator, before I vote on this, I would like to know what is the status of the Buffalo Bills and what the history is in Buffalo that causes them to want to move into an area like this?"

Senator Greive: "I understand that they have a good team, that they play a good brand of ball and they have many times been the division champions on various occasions but they just can't get a stadium. They submit it to the people and the people turn down the stadium. They simply don't have a place to play and you can't have customers unless you have a stadium, so they go together."

"I would like to have the motion put so anybody that wants to sign it after we have concluded or we have adjourned may."

Further debate ensued.

#### MOTION

Senator Sandison moved that Senate Resolution 1971-5 be referred to the Committee on Higher Education and Libraries.

Debate ensued.

There being no objection, Senator Greive withdrew Senate Resolution 1971-5.

#### PERSONAL PRIVILEGE

Senator Woodall: "I have just been told of the death of the wife of former Senator Fred Redmon. Funeral arrangements are pending and as soon as we have the information, we will advise the members."

#### MOTION

At 12:45 p.m. on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Thursday, January 14, 1971

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FOURTH DAY

## MORNING SESSION

Senate Chamber, Olympia Wash., Thursday, January 14, 1971.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Gissberg and Mardesich. On motion of Senator Keefe, Senators Gissberg and Mardesich were excused.

The Color Guard, consisting of Pages Elizabeth Neils, Color Bearer, and Jonathan Roebuck, presented the Colors. Father James McGreal, pastor of St. Michael's Church of Olympia, offered prayer as follows:

"'Accountability' is a word that seems not to be heard too much today in an age when people 'do their own thing' and seemingly do not give much time to worrying about the outcome. O God, do not permit us to forget that our consciences, 'the still small voice' that passes judgment on the morality of actions, should be consulted and followed in all the arenas of life, be they private or social or governmental. We pray for the ability to be sensitive to the dictates of our conscience so that always we can be in a position to make an accounting to You, our Merciful Judge. We ask for this awareness in Christ's name. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## MESSAGE FROM THE SECRETARY OF STATE

Office of the Secretary, January 11, 1971

TO THE HONORABLE, THE SECRETARY OF THE SENATE,  
THE LEGISLATURE OF THE STATE OF WASHINGTON,  
OLYMPIA, WASHINGTON

Sir:

I have the honor of herewith submitting a recapitulation of the votes cast at the General Election held throughout the State on the third day of November, 1970, as canvassed by me from the returns made to this department by the several County Auditors of the State.

Respectfully,  
A LUDLOW KRAMER  
Secretary of State,  
Chief Election Officer,  
State of Washington.

## STATE MEASURES

INITIATIVE MEASURE NO. 251:	VOTE	% VOTE	MAJORITY (Either For or Against)
State Taxation—To Regulate Exposition			
For . . . . .	504,779	48.91	22,484 (Against)
Against . . . . .	527,263	51.09	
TOTAL . . . . .	1,032,042		
 INITIATIVE MEASURE NO. 256:			
Prohibiting Certain Nonrefundable Beverage Receptacles			
For . . . . .	511,248	48.72	
Against . . . . .	538,118	51.28	26,870 (Against)
TOTAL . . . . .	1,049,366		



**REFERENDUM BILL NO. 20: (Validates Chapter 3, Laws of 1970)****Changes in Abortion Law**

For . . . . .	599,959	56.49	137,785 (For)
Against . . . . .	462,174	43.51	
<b>TOTAL . . . . .</b>	<b>1,062,133</b>		

**REFERENDUM BILL NO. 21 (Validates Chapter 40, Laws of 1970)****Outdoor Recreation Bonds—  
Sales; Interest**

For . . . . .	520,162	52.29	45,614 (For)
Against . . . . .	474,548	47.71	
<b>TOTAL . . . . .</b>	<b>994,710</b>		

**REFERENDUM BILL NO. 22****State Buildings—Bonds—  
Sales; Interest**

For . . . . .	399,608	41.01	
Against . . . . .	574,887	58.99	175,279 (Against)
<b>TOTAL . . . . .</b>	<b>974,495</b>		

**REFERENDUM BILL NO. 23. (Validates Chapter 67, Laws of 1970,****Pollution Control Bonds—  
Sales; Interest**

For . . . . .	581,819	58.37	166,843 (For)
Against . . . . .	414,976	41.63	
<b>TOTAL . . . . .</b>	<b>996,795</b>		

**HOUSE JOINT RESOLUTION NO. 6****Establishing Voting Age at 19**

For . . . . .	473,029	45.33	
Against . . . . .	570,438	54.67	97,409 (Against)
<b>TOTAL . . . . .</b>	<b>1,043,467</b>		

**HOUSE JOINT RESOLUTION NO. 42.****Revising Revenue Limitations**

For . . . . .	309,882	31.55	
Against . . . . .	672,446	68.45	362,564 (Against)
<b>TOTAL . . . . .</b>	<b>982,328</b>		

		% VOTE	MAJORITY (Major party comparison)
<b>UNITED STATES SENATOR</b>			
Democratic . . . . .	Henry M. Jackson . . . . .	879,385	82.43
Republican . . . . .	Charles W. Elicker . . . . .	170,790	16.01
Socialist Workers . . . . .	William (Bill) Massey . . . . .	9,255	00.87
Buffalo . . . . .	Edison S. (Pinky) Fisk . . . . .	7,377	00.69
	<b>TOTAL . . . . .</b>	<b>1,066,807</b>	

**REPRESENTATIVE IN CONGRESS****FIRST DISTRICT**

Republican . . . . .	Tom Pelly . . . . .	107,072	64.37	53,916
Democratic . . . . .	David A. Hughes . . . . .	53,156	31.95	
Socialist Workers . . . . .	Stephanie Coontz . . . . .	4,388	02.64	
Buffalo . . . . .	Stan Iverson . . . . .	1,724	01.04	
	<b>TOTAL . . . . .</b>	<b>166,340</b>		

**SECOND DISTRICT**

Democratic . . . . .	Lloyd Meeds . . . . .	117,562	72.74	73,513
Republican . . . . .	Edward A. McBride . . . . .	44,049	27.26	
	<b>TOTAL . . . . .</b>	<b>161,611</b>		

**THIRD DISTRICT**

Democratic . . . . .	Julia Butler Hansen . . . . .	81,892	59.15	25,326
Republican . . . . .	R. C. (Skip) McConkey . . . . .	56,566	40.85	
	<b>TOTAL . . . . .</b>	<b>138,458</b>		

**FOURTH DISTRICT**

Democratic . . . . .	Mike McCormack . . . . .	70,119	52.58	6,875
Republican . . . . .	Catherine May . . . . .	63,244	47.42	
	<b>TOTAL . . . . .</b>	<b>133,363</b>		

## FIFTH DISTRICT

Democratic . . . .	Thomas S. Foley . . . . .	88,189	67.03	44,813
Republican . . . .	George Gamble . . . . .	43,376	32.97	
	TOTAL . . . . .	131,565		

## SIXTH DISTRICT

Democratic . . . .	Floyd V. Hooks . . . . .	98,282	69.37	56,069
Republican . . . .	John Jarstad . . . . .	42,213	29.80	
Socialist Workers . .	Richard Congress . . . . .	1,180	00.83	
	TOTAL . . . . .	141,675		

## SEVENTH DISTRICT

Democratic . . . .	Brock Adams . . . . .	99,308	66.60	51,882
Republican . . . .	Brian Lewis . . . . .	47,426	31.81	
Socialist Workers . .	Russell Block . . . . .	2,378	01.59	
	TOTAL . . . . .	149,112		

## JUDGES OF THE STATE SUPREME COURT

	TOTAL VOTE
POSITION NO. 1: Six Year Term	
Robert T. Hunter . . . . .	568,108
POSITION NO. 2: Six Year Term	
Marshall A. Neill . . . . .	539,165
POSITION NO. 3: Six Year Term	
Charles F. Stafford . . . . .	552,165
POSITION NO. 4: Two Year Unexpired Term	
Charles T. Wright . . . . .	551,961

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington, at Olympia, this eleventh day of January, A.D., 1971.  
(Seal of the State of Washington)

A LUDLOW KRAMER  
Secretary of State,  
Chief Election Officer,  
State of Washington.

## MESSAGE FROM THE HOUSE

January 13, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO 58, with the following amendments:

On page 1, line 1, after "An Act relating to unemployment compensation," strike the balance of the title and insert the following "adding new sections to chapter 35, Laws of 1945 and to Title 50 RCW as a new chapter therein, repealing section 23, and chapter 2, Laws of 1970 ex sess, and RCW 50.20.127; establishing effective dates; and declaring an emergency."

On page 1, section 1, line 7, after "Section 1" strike the balance of the bill and insert "Sections 2 through 7 of this 1971 amendatory act are added to chapter 35, Laws of 1945 and to Title 50 RCW as a new chapter therein

NEW SECTION Sec. 2. As used in this 1971 amendatory act, unless the context clearly indicates otherwise:

- (1) "Extended benefit period" means a period which:
  - (a) Begins with the third week after whichever of the following weeks occurs first:
    - (i) a week for which there is a national "on" indicator, or
    - (ii) a week for which there is a state "on" indicator: PROVIDED, That, if there is a state "on" indicator for the week which is three weeks prior to the effective date of this 1971 amendatory act, an extended benefit period shall begin on the effective date of this 1971 amendatory act
  - (b) Ends with the third week after the first week for which there is both a national "off" indicator and a state "off" indicator: PROVIDED, That no extended benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state: AND PROVIDED FURTHER, That prior to January 1, 1972, an extended benefit

period may become effective and be terminated in this state solely by reason of a state "on" and a state "off" indicator, respectively.

(2) There is a "national 'on' indicator" for a week if the United States secretary of labor determines that for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states equalled or exceeded four and five tenths percent.

(3) There is a "national 'off' indicator" for a week if the United States secretary of labor determines that for each of the three most recent calendar months ending before such week the rate of insured unemployment (seasonally adjusted) for all states was less than four and five tenths percent.

(4) There is a "state 'on' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) as determined under the provisions of subsection (6) of this section

(a) equalled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen week period ending in each of the preceding two calendar years; and

(b) equalled or exceeded four percent.

(5) There is a "state 'off' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) as determined under the provisions of subsection (6) of this section was either:

(a) Less than one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years; or

(b) Less than four percent.

(6) "Rate of insured unemployment", for purposes of subsections (4) and (5) of this section, means the percentage derived by dividing the average weekly number of individual filing claims in this state for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the commissioner on the basis of his reports to the United States secretary of labor, by the average monthly employment covered under this title for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

(7) "Regular benefits" means benefits payable to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

(8) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provisions of this chapter for weeks of unemployment in his eligibility period.

(9) "Additional benefits" are benefits other than regular benefits or extended benefits.

(10) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period that is in effect in this state and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(11) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were available to him under this title or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week. PROVIDED, That for the purposes of this subparagraph an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wages and/or employment that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to more regular benefits; or

(b) His benefit year having expired prior to such week, has no, or insufficient, wages and/or employment on the basis of which he could establish a new benefit year that would include such week; and

(c) Has no rights to allowances or unemployment benefits as the case may be under the railroad unemployment insurance act, the trade expansion act of 1962, or the automotive products trade act of 1965 and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(d) Has not received and is not seeking unemployment benefits under the employment security law of the Virgin Islands or of Canada, but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law, he is an exhaustee.

(12) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954.

**NEW SECTION.** Sec. 3 Except when the result would be inconsistent with the other provisions of this 1971 amendatory act the provisions of this title and commissioner's regulations enacted pursuant thereto, which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

**NEW SECTION.** Sec. 4. An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the commissioner finds that with respect to such week:

(1) He is an "exhaustee" as defined in subsection 13 of section 2 of this 1971 amendatory act, and

(2) He has satisfied the requirements of this title for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

**NEW SECTION.** Sec. 5. The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

**NEW SECTION.** Sec. 6. The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be the least of the following amounts:

(1) Fifty percent of the total amount of regular benefits which were payable to him under this title in his applicable benefit year;

(2) Thirteen times his weekly benefit amount which was payable to him under this title for a week of total unemployment in the applicable benefit year; or

(3) Thirty-nine times his weekly benefit amount which was payable to him under this title for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits which were paid (or deemed paid) to him under this title with respect to the benefit year.

**NEW SECTION.** Sec. 7. (1) Whenever an extended benefit period is to become effective in this state (or in all states) as a result of a state or national "on" indicator, or an extended benefit period is to be terminated in this state as a result of state and national "off" indicators or solely as a result of a state "off" indicator prior to January 1, 1972, the commissioner shall make an appropriate public announcement.

(2) Computations required by the provisions of subsection (6) of section 2 of this 1971 amendatory act shall be made by the commissioner, in accordance with regulations prescribed by the United States secretary of labor.

**NEW SECTION.** Sec. 8. Section 23, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.127 are each hereby repealed. PROVIDED, HOWEVER, That this repealer shall not affect an individual's right to benefits for any week claimed pursuant to that section for which benefits have not been paid. No benefits may be claimed pursuant to said section for weeks commencing on or after the effective date of this 1971 amendatory act.

**NEW SECTION.** Sec. 9. This 1971 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on the Sunday following the day on which the governor signs this enactment."

and the same is herewith transmitted, DONALD R. WILSON, Assistant Chief Clerk.

## MOTIONS

Senator Greive moved that the Senate do not concur in the House amendment to Engrossed Senate Bill No. 58, and that the House be asked to recede therefrom.

Senator McDougall moved that the Senate concur in the House amendment to Engrossed Senate Bill No. 58.

Debate ensued.

Senator Greive demanded the previous question and the demand was sustained by Senators Durkan, Knoblauch and Dore.

Senator Holman demanded a roll call and the demand was sustained by Senators Atwood, Washington, Talley, Durkan, Cooney, Donohue, Sandison, Greive and Bailey.

The President declared the question before the Senate to be the positive motion by Senator McDougall that the Senate do concur in the House amendment to Engrossed Senate Bill No. 58.

## ROLL CALL

The Secretary called the roll and the Senate refused to concur in the House amendment to Engrossed Senate Bill No. 58 by the following vote: Yeas, 19; nays, 28; excused, 2.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Twigg, Whetzel, Woodall—19.

Voting nay: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming,

Foley, Francis, Gardner, Grewe, Henry, Herr, Joly, Keefe, Knoblauch, McCutcheon, Odegard, Peterson (Lowell), Ridder, Sandison, Stender, Stortini, Tahey, Walgren, Washington, Wilson-28.

Excused Senators Gissberg, Mardessich-2.

The Senate refused to concur in the House amendment to Engrossed Senate Bill No 58 and asks the House to recede therefrom.

## SECOND READING

SENATE JOINT RESOLUTION NO 1, by Senators Durkan, Donohue, Day, Henry, Knoblauch, Twigg, Keefe, Canfield, Wilson, Guess, Woodall, Herr, Peterson (Lowell), McCutcheon, Ridder and Talley.

Proposing a constitutional amendment to establish the assessed valuation of real and personal property at twenty five percentum of the true and fair value of such property

The Senate resumed consideration of Senate Joint Resolution No 1 on second reading.

Senator Durkan moved adoption of the following amendment by Senators Durkan, Metcalf and Atwood

On page 1, line 12, after "exceed" and before "percentum" on line 14 strike "forty mills on the dollar of assessed valuation, which assessed valuation shall be [fifty] twenty-five" and insert "one"

Debate ensued

## POINT OF INQUIRY

Senator Atwood: "Would Senator Huntley yield to a question? Senator, does this proposal, the amendment, look familiar to you?"

Senator Huntley: "Yes, a quick look at the amendment makes me think that it was lifted from Senate Joint Resolution No 4 which I introduced several weeks ago after it became evident to me that the people had enough signatures on Initiative 44 to get into the legislature. I certainly have no pride of authorship in Senate Joint Resolution No 4 and I compliment the members of the Ways and Means Committee in picking this out of Senate Joint Resolution No. 4. This is the most expedient way to handle it."

Further debate ensued.

## POINT OF INQUIRY

Senator Guess: "Mr. President, would Senator Durkan yield to a question? Senator, I asked a question in the Ways and Means Committee room this morning. I have been concerned over one percent of true and fair value because of the impact that it possibly had on the bonding capacity of the various junior taxing districts. Would you explain that to the body?"

Senator Durkan, "Mr. President and members of the Senate, in the last session of the legislature, remedial legislation was introduced that permitted this correcting the relationship of bonding to true and fair value so that the change here will not increase the bonding capacity of local taxing districts. This is the information that the revenue department gave me and I also checked with the legislative budget committee and they agree."

The motion carried and the amendment was adopted

On motion of Senator Durkan, the rules were suspended, Engrossed Senate Joint Resolution No. 1 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Debate ensued

## POINT OF INQUIRY

Senator Canfield: "Will Senator Durkan yield to a question? Senator, as chairman of the Ways and Means Committee, would you care to comment on the relationship between this and Initiative 44 if both were on the ballot at the same time?"

Senator Durkan "Mr. President and members of the Senate, Initiative 44 relates itself to millage, Senate Joint Resolution No 1 relates itself to valuation. In effect, if Senate Joint Resolution No. 1 were to pass previous to the amendment we put on it, we would have found ourselves at twenty-five percent valuation. If Initiative 44 were to pass and reduce it to millage, we would have had twenty-five percent of twenty mills.

"Now with the amendment that we put on with the expertise advice of Senator Huntley, always there in the Ways and Means Committee when I need him most, we have now made the one percent valuation so it will not affect the constitutional limitation if Initiative 44 should pass.

"In addition though, I would like to point out that in the appropriations bill, the budget request bill which the Governor is going to present, we are going to have to probably change the language on the one mill or the school mill that is floating in there but that can be done when the budget comes over. There is no conflict between Senate Joint Resolution No. 1 and Initiative 44 at this time."

Farther debate ensued.

### POINT OF INQUIRY

Senator Stender: "Will Senator Durkan yield to further questions? Senator, the question Senator Canfield posed to you about Initiative 44 being referred to the people, do you see any reason why Initiative 44 should be referred to the people? It is an initiative to the legislature, is it not?"

Senator Durkan: "Mr. President and Senator Stender I can assure you that when Initiative 44 comes before the revenue committee that Senator Donohue has already geared up to have extensive hearings on it so that we can get the proper perspective on it to see what we are going to do and at that time I am prepared to make my decision.

"I think there are some problems in Initiative 44 that we are going to have to take a look at and I would be less than candid if I did not tell you.

"One reason why I agree to a change from twenty-five percent to one percent was because of Initiative 44 but I agree with you, Senator, that the people have spoken with Initiative 44 and it is an obligation of the Senate to consider it and consider it strongly."

Senators Keefe, Durkan and Atwood demanded the previous question and the demand was sustained.

The President declared the question before the Senate is the final passage of Engrossed Senate Joint Resolution No. 1.

### ROLL CALL

The Secretary called the roll and Engrossed Senate Joint Resolution No. 1 passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea. Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Eicker, Flenung, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall -47

Excused Senators Gissberg, Mardesich-2.

ENGROSSED SENATE JOINT RESOLUTION NO. 1, having received the constitutional two-thirds majority, was declared passed.

There being no objection, the Senate returned to the fifth order of business.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 76, by Senators Woodall, Twigg, Greive, Cooney and Henry (by Legislative Council request):

An Act relating to motor vehicles; amending section 2, chapter 27, Laws of 1969 and RCW 46.20.342; and providing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 77, by Senators Jolly, Matson and Wilson:

An Act relating to irrigation districts, and adding a new section to chapter 87.03 RCW. Referred to Committee on Agriculture and Horticulture.



SENATE BILL NO. 78, by Senators Ridder, Elicker, Fleming and Huntley (by Public Pension Commission request):

An Act relating to institutions of higher education; providing increased pension benefits for certain retired employees, and adding a new section to chapter 28B.10 RCW

Referred to Committee on Public Pensions and Social Security.

SENATE BILL NO. 79, by Senators Elicker, Fleming and Herr (by Public Pension Commission request):

An Act relating to the retirement of judges, amending section 1, chapter 229, Laws of 1937 as amended by section 1, chapter 221, Laws of 1943 and RCW 2 12 010; amending section 1, chapter 286, Laws of 1961 and RCW 2.12 012, amending section 2, chapter 286, Laws of 1961 and RCW 2.12.015; amending section 2, chapter 229, Laws of 1937 and RCW 2 12 020; amending section 3, chapter 229, Laws of 1937 as last amended by section 3, chapter 286, Laws of 1961 and RCW 2 12.030; amending section 6, chapter 229, Laws of 1937 as last amended by section 2, chapter 243, Laws of 1957 and RCW 2.12 060; and adding a new section to chapter 2.12 RCW

Referred to Judiciary Committee

SENATE BILL NO. 80, by Senators Fleming, Francis, Stortini, Ridder, Scott and Elicker

An Act relating to athletics, sports, and entertainment; dedicating the University of Washington football stadium to certain general public use under specified circumstances; providing for the control and management of the University of Washington football stadium, amending section 28B 20 130, chapter 223, Laws of 1969 ex. sess. and RCW 28B 20 130, adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.20 RCW; and declaring an emergency.

Referred to Committee on Higher Education and Libraries.

SENATE BILL NO. 81, by Senators Twigg, Woodall, Greve, Cooney and Walgren (by Legislative Council request)

An Act relating to drivers licenses, and amending section 46 20 390, chapter 12, Laws of 1961 as amended by section 32, chapter 32, Laws of 1967 and RCW 46 20 390.

Referred to Judiciary Committee.

SENATE BILL NO. 82, by Senators Peterson (Ted), Francis and Murray

An Act authorizing conveyance of certain tidelands in King county from the state of Washington to the state board for community college education

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 83, by Senators Talley, Sandison and Henry

An Act relating to the disposal of forest waste; and creating a new section.

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO. 84, by Senators Walgren and Twigg (by Municipal Committee request)

An Act relating to eminent domain by cities; and amending section 1, chapter 153, Laws of 1907 as amended by section 1, chapter 154, Laws of 1915 and RCW 8 12 080.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 85, by Senators Walgren and Twigg (by Municipal Committee request)

An Act relating to municipal corporations, adding a new chapter to Title 35 RCW, repealing section 35 13 220, chapter 7, Laws of 1965 and RCW 35 13.220, repealing section 35 13 243, chapter 7, Laws of 1965 and RCW 35 13 243; repealing section 35 13 246, chapter 7, Laws of 1965 and RCW 35 13 246; repealing section 35 13 250, chapter 7, Laws of 1965 and RCW 35 13 250, repealing section 4, chapter 51, Laws of 1969 ex. sess. and RCW 35.13.255, repealing section 35A 14 350, chapter 119, Laws of 1967 ex. sess. and RCW 35A 14 350, repealing section 35A 14 360 chapter 119, Laws of 1967 ex. sess. and

RCW 35A.14.360, repealing section 5, chapter 51, Laws of 1969 ex. sess. and RCW 35A.14.365, repealing section 35A.14.370, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.370; and repealing section 35A.14.600, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.600

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 86, by Senators Wagren and Twigg (by Municipal Committee request)

An Act relating to cities and towns; and amending section 2 chapter 88, Laws of 1965 ex. sess. and RCW 35.13.178.

Referred to Committee on Cities, Towns and Counties

There being no objection, the rules were suspended and additional sponsors were added to Senate Bills Nos. 76, 78, 80 and 81

### MOTION

At 12.30 p.m. on motion of Senator Greive, the Senate recessed until 1:30 p.m.

### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

### MOTION

At 1:35 p.m., on motion of Senator Greive, the Senate recessed until 6:10 p.m.

### EVENING SESSION

The President called the Senate to order at 6:10 p.m.

### MESSAGE FROM THE HOUSE

Mr. President: The House refuses to recede from its amendment to ENGROSSED SENATE BILL NO. 58 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed Senate Bill No. 58 and the House amendment thereto: Representatives Morrison, Hubbard and Grant.

January 14, 1971.

MALCOLM McBEATH, Chief Clerk

### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as Senate members of the Conference Committee on Engrossed Senate Bill No. 58, Senators Greive, Stortum and McDougall.

On motion of Senator Greive, the Conference Committee appointments were confirmed

On motion of Senator Bailey, the following resolution was adopted

### SENATE RESOLUTION. 1971-6

By Senator Bailey:  
BE IT RESOLVED, That the Temporary Rules of the Senate be amended to read as follows

"Rule No. 3,		
3. Commerce and Regulatory Agencies . . . . .	[18]	19
4. Constitution, Elections and Legislative Processes . . . . .	[13]	15
Committee on Redistricting . . . . .	[13]	15
5. Judiciary . . . . .	[11]	13
10. Manufacturing and Industrial Development . . . . .	[ 8]	7
15. Public Pensions and Social Security . . . . .	[ 9]	7
17. State Government . . . . .	[10]	11
18. Committee on Revenue & Taxation . . . . .	[13]	16

## MOTION

On motion of Senator Greive, the following members of the standing committees of the Senate were confirmed

## APPOINTMENT OF STANDING COMMITTEES

**AGRICULTURE AND HORTICULTURE** (9) Senator Jolly, Chairman; Senators Canfield, Day, Donohue, Huntley, Knoblauch, McDougall, Matson, Wilson.

**CITIES, TOWNS AND COUNTIES** (16) Senator Connor, Chairman, Senator Stortini, Vice Chairman, Senators Canfield, Clarke, Dore, Elcker, Fleming, Herr, McDougall, Mardesch, Peterson (Ted), Ridder, Talley, Walgren, Whetzel, Wilson

**COMMERCE AND REGULATORY AGENCIES** (20) Senator Mardesch, Chairman, Senators Andersen, Clarke, Cooney, Day, Dore, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Stortini, Twigg, Walgren, Whetzel.

**CONSTITUTION, ELECTIONS AND LEGISLATIVE PROCESSES** (15) Senator McCutcheon, Chairman, Senator Wilson, Vice Chairman, Senators Canfield, Cooney, Donohue, Dore, Greive, Holman, Keefe, Mardesch, Matson, Metcalf, Stender, Washington, Woodall.

**EDUCATION** (12) Senator Francis, Chairman; Senators Fleming, Gardner, McCutcheon, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Stender, Washington.

**HIGHER EDUCATION AND LIBRARIES** (15) Senator Sandison, Chairman, Senators Atwood, Dore, Durkan, Foley, Francis, Gardner, Guess, Henry, Holman, Huntley, Lewis, Metcalf, Scott, Wilson.

**JUDICIARY** (13) Senator Gissberg, Chairman; Senator Dore, Vice Chairman, Senators Andersen, Atwood, Clarke, Durkan, Foley, Francis, Greive, Holman, Twigg, Walgren, Woodall.

**LABOR AND INDUSTRIAL INSURANCE** (7) Senator Stortini, Chairman, Senators Bailey, Connor, McDougall, Matson, Ridder, Stender

**MANUFACTURING AND INDUSTRIAL DEVELOPMENT** (7) Senator Gardner, Chairman; Senators Connor, Henry, Murray, Twigg, Washington, Whetzel.

**MEDICINE, DENTISTRY AND HEALTH CARE, AIR AND WATER POLLUTION** (11) Senator Day, Chairman, Senators Cooney, Elcker, Francis, Greive, Holman, Keefe, McCutcheon, Newschwander, Odegaard, Woodall

**NATURAL RESOURCES, FISHERIES AND GAME** (10) Senator Peterson (Lowell), Chairman; Senators Bailey, Clarke, Donohue, Gissberg, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

**PARKS, TOURISM, CAPITOL GROUNDS AND VETERANS' AFFAIRS** (11) Senator Wilson, Chairman, Senators Canfield, Durkan, Henry, Jolly, Lewis, McCutcheon, Mardesch, Murray, Scott, Whetzel

**PUBLIC INSTITUTIONS** (9) Senator Odegaard, Chairman; Senators Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg

**PUBLIC PENSIONS AND SOCIAL SECURITY** (7) Senator Fleming, Chairman; Senators Clarke, Day, Herr, Holman, Murray, Odegaard

**RULES AND JOINT RULES** (17) President Cherberg, Chairman, Senators Andersen, Atwood, Bailey, Cooney, Foley, Guess, Greive, Henry, Herr, Keefe, Knoblauch, Peterson (Ted), Ridder, Stender, Talley, Woodall.

**STATE GOVERNMENT** (11) Senator Walgren, Chairman; Senators Atwood, Day, Elcker, Gardner, Gissberg, Henry, Jolly, Lewis, McCutcheon, Newschwander

**TRANSPORTATION** (26) Senator Washington, Chairman, Senator Henry, Vice Chairman, Senators Bailey, Connor, Donohue, Durkan, Elcker, Foley, Guess, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesch, Matson, Murray, Peterson (Lowell), Sandison, Scott, Stender, Talley, Walgren, Whetzel

**WAYS AND MEANS** (38) Senator Durkan, Chairman, (APPROPRIATIONS) Senator Dore, Chairman, Senators Andersen, Atwood, Bailey, Canfield, Fleming, Foley, Francis, Huntley, Lewis, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder,

Sandison, Scott, Stortini, Talley, Walgren, Wilson, (REVENUE AND TAXATION) Senator Donohue, Chairman, Senators Connor, Cooney, Day, Ellicker, Gissberg, Greive, Guess, Herr, Holman, Jolly, Mardesich, Metcalf, Twigg, Washington, Woodall.

At 6 40 p m., the Senate retired to the House chamber to meet in Joint Session for the purpose of receiving the Budget Message of Governor Daniel J. Evans.

#### JOINT SESSION

The Sergeant at Arms of the House announced the arrival of the Senate at the bar of the House.

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort the President, President Pro Tempore, and Vice President Pro Tempore of the Senate to seats on the rostrum beside the Speaker.

The Speaker instructed the Sergeants at Arms of the Senate and House to escort the Senators to seats within the House chamber.

The Speaker turned the gavel over to the President of the Senate.

The Secretary of the Senate called the roll of the Senate and all members were present except Senators Gissberg and Mardesich who were excused.

The Clerk of the House called the roll of the House, and all members were present.

The President of the Senate: "Thank you very much. Honored members of the legislature, ladies and gentlemen. Inasmuch as this evening's joint session was called for the purpose of receiving the Governor's Budget Message, and this message in turn will be broadcast statewide over television and radio, the President believes it expedient at this time to request of Senator Keefe, Senator Ridder, and Senator Twigg to be joined by Representative Copeland, Representative Grant and Representative Rabel to act as a committee of honor to escort the Governor to the place of honor on the rostrum. The President believes the television script calls for the group to be outside the House doors prior to 7 00 p m., and the Governor will enter promptly at 25 seconds after 7 00 p m. We will all synchronize our watches."

#### POINT OF INQUIRY

Mr. Chatalas: "Mr. President, I would like to find out if this television broadcast was cleared with Flip Wilson."

The President of the Senate: "In reply to your parliamentary inquiry, Representative Chatalas, the President believes the time has been cleared with Flip."

The Sergeant at Arms of the House announced the arrival of Governor Daniel J. Evans at the bar of the House, and the President instructed the committee to escort him to a seat on the rostrum.

The President of the Senate: "The purpose of this Joint Session of the Washington State Legislature is to receive the Budget Message from His Excellency, the Honorable Daniel J. Evans, Governor of the State of Washington. At this time, it is the President's privilege to present to you the Honorable Daniel J. Evans, Governor of the State of Washington."

#### GOVERNOR EVANS' BUDGET MESSAGE

Governor Evans: "I come before you tonight to present financial proposals for the operation of state government for the next biennium. I do so with mixed emotions, saddened because our revenue shortage does not allow for expansion of needed services to our citizens but heartened by the willingness and cooperation of our department heads and state employees in making needed cutbacks.

"During the past eight months we have spent thousands of hours in critically examining alternative ways to reduce expenditures and the relative priority of state programs. The reductions incorporated in this budget have not represented easy decisions. Time and time again, it has been necessary to ask myself, 'Are we, as a state, willing to tax ourselves at a higher rate to provide the funds necessary to finance this needed service?' Each one of you must face this same difficult question continuously during the next several months. One of our new legislators pungently described our dilemma when he said, 'I believe in cutting fat out of the budget, but I didn't know part of the fat was in my district.'

"This state has had a remarkable record of tax stability during the past several years. Washington is one of only five states without a major state tax increase since 1967. We have operated with a budgetary surplus since 1965, the only period of such surplus in this state since World War II. During that time, this state has made unparalleled progress in extending educational opportunity to thousands of additional citizens, in providing up-to-date care for those in need and by eliminating ratable reductions, by instituting a massive network of

community oriented programs revolutionizing institutional care, and by grasping national leadership in environmental quality and pollution control. Our task today is two-fold—to hold on to these gains and to reestablish economic progress for our state.

"The first signs of fiscal difficulty appeared in October 1969 when it became apparent that revenues were not keeping up with estimates made during the 1969 legislative session. As the economy continued to slip, the revenue deficit climbed until we faced the possibility of a \$110,000,000 deficit in the state's general fund. Fifteen months ago, I asked department heads of state government to respond by cutting back expenditures and twice since that time, I have added to their responsibility further cuts. The cooperation of department heads, other elected officials and educational institutions has been exceptional, and we will be able to save over \$55,000,000 through these agency savings. I am proposing further to this legislature that we revise our accounting procedure to treat both expenditures and revenues, alike, at the end of each biennium. All revenues and expenditures that occur during a biennium should be charged to that biennium even if they are not actually received until after the biennium closes. The effect of this change will be a one-time \$32,000,000 gain at the end of the biennium. I have asked that payments to the various state employees and teachers' retirement funds be withheld during the remainder of this biennium. The net effect of this request will be a \$21,000,000 saving and, together with the other two items I have mentioned, will eliminate the deficit by June 30, 1971. I will speak a little later of a new proposal in the field of retirement systems for governmental employees.

"These have been difficult cost-saving measures, but the State of Washington is fortunate in having instituted such practices more than a year ago. We do not now share the grim future of some other states that are literally faced with bankruptcy. We will then start a new biennium with no deficit and no surplus.

"Nine months ago, I asked our Office of Program Planning and Fiscal Management to estimate for me the expenditures during the next biennium based on current standards of service increased only by added caseloads or enrollments in Washington's institutions.

"When measured against anticipated revenue, we found a \$565,000,000 gap. That represented the gigantic financial problem facing the administration as we began the budget-making task.

"I present to you tonight, however, a balanced budget—one that is extremely austere but, I believe, realistic. It is not a budget that can be continued for an extended period of time, but it is a budget that I believe will help us through these immediate economic difficulties. It is a budget that I believe must be reviewed in January of 1972, and therefore, I will call the legislature back into session at that time for budgetary review.

"This budget assumes a further decline and then leveling off of the economy in 1971 followed by a beginning of an economic recovery in 1972. Total general fund spending during the next biennium will be 2.35 billion dollars—an increase of 4½ percent over the present general fund budget. State monies, however, will decrease by 4% and the remainder will be filled by increasing federal allotments. This budget requires no tax increases in the sales or business and occupation tax field. Four revenue measures are required, however, to bring balance to this document. First, an increase of 5 cents per pack on cigarettes which will parallel a similar request initiated by Governor McCall in the State of Oregon. Second, an increase in the tax on liquor by 1 cent per ounce. Third, a shortening of the time limit allowed for the payment of inheritance taxes from the present 15 months to 8 months. This will not in any way change the amount of inheritance tax but will make payment more prompt. And fourth, a change in the due date of taxes from the last day of the month to the 25th day of the month. These four measures, none of which adds to taxes on the necessities of life, will raise \$76,000,000.

"I mentioned earlier, the delay of payments to our various retirement systems. Great concern has been expressed by many retired teachers and state employees that, somehow, their retirement payments would be jeopardized. I can absolutely assure you that this will not happen. Others have suggested that to merely postpone payments to the retirement fund would be borrowing a budget balancing trick utilized by my predecessor which I vigorously opposed. I am suggesting, however, something quite different—simply that we examine the feasibility of a retirement system similar to that of many other states and with considerably greater protection than the federal social security system. This alternate system would provide for a five-year reserve fund, would lower the necessary payments by the state for many years to come, would continue to provide all necessary resources for retired employees and would save during this next biennium \$148,000,000. A rejection of this proposal could mean a tax increase of that amount. Citizens have suggested, from time to time, a wide variety of areas in which savings might be accomplished in state government. However, education, health and welfare and institutions account for over 93 percent of General Fund spending and any budget savings must depend heavily on action taken in these three areas. All of the areas of state government have been held in tight check and if dollar savings of any consequence are to be made, they must be made in the three major areas I have mentioned.

"For the first time since World War II, we are seeing a decline in enrollment in our common schools—due primarily to the lowered birth rate of the past ten years. This enrollment decline is expected to continue through the next biennium.

"I am recommending that the present \$365 per pupil guarantee be maintained at that level during the next biennium. I have suggested in addition \$5,000,000 to fund the first stage of the education for the handicapped proposal I made on Tuesday and I have proposed an increase of \$4,000,000 in the special fund for education of the urban and rural

disadvantaged. All education for the exceptional child and cultural enrichment programs have been continued, but at a reduced level. This school budget depends on a continuation of the two-mil property tax shift initiated by this legislature two years ago. I realize that Initiative 44 is before this body for your consideration. If it were to be passed by this session of the legislature, we would face a \$71,000,000 shortage in funds for the support of education. Considerable thought ought to be given to alternatives to Initiative 44 and to constitutional amendments relative to property taxes. I support, in a constitutional amendment, to lower the limits on property taxation to one percent of actual value. This is similar to one portion of the tax reform program of 1970. I most strongly suggest, however, that serious consideration be given to modification of the extreme voting requirements for special levies so that citizens, in a limited sense at least, have an opportunity to better provide local support for public education.

"I am pleased to report that the excellent management of state lands and the rising sales prices on timber sold from those lands will provide necessary current funds for a school construction budget of \$44,000,000 during the upcoming biennium, without resorting to additional voter approved state bond issues.

"The pressures on higher education over the past few years have been immense as we have attempted to cope with the large number of new students and the rising need for graduate education as well as technical and vocational and retraining education through our community colleges. While enrollment limitations have been necessary at our four-year institutions, there will be, during the next biennium, more than 8,000 new openings for students, including 6,000 in community colleges, 1,000 at the newly opened Evergreen State College and 1,000 scattered through the remainder of our higher educational system. This will allow a significant expansion in the percentage of our citizens attending college. It has been necessary in order to fund this budget, to raise tuition fees for all elements of higher education. These increases will add twenty-one and a half million dollars to our higher education budget. Tuition fees for out-of-state students have been raised to approximate the actual cost of their education. Fees for in-state students will cover only 1/3 of the total cost of their education. In order to provide greater opportunity for those who cannot afford the costs of college education, I am asking that our present tuition waiver program be tripled to 6% of total tuitions and, further, that it be extended to our community college system. This, in effect, is the equivalent of a 6.7 million dollar scholarship program that will make higher education for all a major step closer. I have also asked that aid be extended to students in private colleges and have set aside a two-million dollar program for that purpose. Its basic element would be a \$100 per student per year grant to those attending private colleges.

"Five years of progress in community mental health and retardation programs, group homes, half-way houses, and probation subsidy have helped to revolutionize our state's institutional program. Better care is provided today for more Washington citizens who need help, while at the same time daily populations in our institutions are declining. It has been apparent for some time that institutional closures would be feasible, and it is particularly necessary that this be considered now when we have a fiscal crisis. The proposal to close five of our state institutions unquestionably causes concern and disruption in the immediate communities affected. It will take cooperation and understanding in order to insure the goal I am certain we all seek—that of providing good care, adequate treatment (in many cases closer than before to a citizen's home) and at a cost we can afford. The savings in these institutional closures total \$14,000,000 during the next biennium. I have included in our human welfare budget a major increase in the funding of community mental health and mental retardation programs and the establishment of four traveling teams in the mental health field to insure that we can better meet the needs of our citizens in their local communities. It has not been easy for me to propose these changes, nor will it be easy for those who must adjust to a shift in services, nor to those fine employees of institutions who may face transfer or, in some cases, reduction in force. However, I believe, under the present circumstances it would be unfair to the taxpayers of this state not to carry out these closures.

"Public assistance is the third major area of state responsibility, and it unquestionably has been the one subject to greatest pressures and to greatest public question during this period of economic uncertainty. Few people in our state really understand the make-up of our public assistance rolls. The aged and the blind, the disabled, the sick and the dependent children make up over 85% of all of those drawing public assistance. None of these citizens can be considered as even being in the work force. Many of the remainder are either uneducated or untrained and find it impossible to acquire a job now. Public assistance is a complex, regulation ridden program, strangled by federal red tape, but manned by a dedicated and innovative staff, all of whom are seriously overworked. These public assistance problems of Washington State are matched or exceeded by the other states of our nation. We need, desperately, Congressional action on national welfare reform or should seek to have the federal government assume the total public assistance burden and standardize the program nationwide.

"One of the major recommendations to achieve better efficiency in public assistance operations has been the simplification of grants. This budget suggests simplification of grants. This budget suggests simplification in housing standards where most errors and confusion occur. In order to reduce the disparities and hardships caused by such simplification I am suggesting the addition of \$5,000,000 in housing grants. Other than this addition there are no proposed increases to vendors nor to recipients. This proposal does not require the reimposition of rateable reductions and I would strongly oppose such a move.



"Our budget does not allow for salary increases for professors, teachers, or for state employees. It does not allow for salary increases for state elected officials, nor for legislators. It does provide for an increase in the allotment for health insurance by \$10 a month for teachers and for state employees. I do not believe however, we can only expect governmental employees to be the only fighters in the front line against inflation. It is inequitable and unfair for these employees to see large salary increases granted to those in private industry and at other governmental levels while being expected to help hold down taxes for those citizens by foregoing salary increases themselves. I believe one of the top priorities of the legislative session of 1972 must be to re-examine the adequacy of salaries.

"By now, I am sure you recognize that the severe cutbacks of this budget are caused by the present economic distress of our state. Only when we have regained our economic strength can we hope to reinstitute governmental programs of increasing breadth and quality. We have sought help from the Federal government and some has been forthcoming. I believe, strongly, however, that economic recovery is basically up to us. Only if we have the courage and the willingness to invest in our own future do we have the real hope of regaining economic strength. I, therefore, tonight am proposing a two stage program for economic recovery—an immediate *Jobs Now* program and a longer range *Washington Future* program. *Jobs Now* will fund a series of projects designed to further stimulate industrial growth and the providing of additional jobs. The total cost of such a program during the next biennium is expected to be \$60,000,000 and it is anticipated that over 11,000 new jobs would be created. The long-range *Washington Future* program is designed to place a series of major bond issues for capital improvement before the people of this state at the November 1972 general election. These bond issues could fund such things as urban public transportation, irrigation and water supply, storm drainage and flood control, water pollution grants, social and health service delivery systems, the acquisition of outstanding recreational areas, and many other needed facilities. The total state financing of the *Washington Future* program would be more than \$500,000,000 and with federal and other matching funds available could mean a total program of over \$1,000,000,000. I will ask this legislature to establish a legislative and citizen task force to work on this long range program and will ask them to report back to the 1972 session of Washington's legislature. Funding for both the *Jobs Now* program and the *Washington Future* program can be accomplished by the extension of the state sales tax to the sale of gasoline. I intend to release further details on this program early next week. I know that it is a new and unique program and may have controversial features but I strongly urge this legislature to give full attention to its potential for it may offer us the greatest opportunity yet to insure our own economic recovery.

"As you can readily understand, this is a tough and a minimum budget. It requires hold the line efforts in salaries, educational expansion and grants to those in need. The fat may come, a little from each one of us, but it is necessary, I believe, for economic recovery.

"In 1972, we can review our progress to determine if some expansion in state services can resume. Each of the major suggestions that have been made to cut costs in order to balance this budget have been subject to criticism by those directly affected. Little has been heard from those who believe that this is not the time to have broad new tax increases. If you feel this way, then now is time to let your legislator and to let me know of your feelings. Only if you as citizens adequately communicate with your legislator and with your governor, can we be expected to accomplish adequate services, responsible taxation, and economic recovery for our State of Washington.

"The future is in our hands. It will take courage, sacrifice and determination, but with your help, I know we can secure Washington's future."

The President of the Senate: "Thank you very much, Governor Evans."

The President of the Senate instructed the committee consisting of Senators Keefe, Ridder and Twigg, and Representatives Copeland, Grant and Rabel to come forward and escort Governor Evans from the rostrum to his office.

The committee retired.

## MOTION

On motion of Mr. Wolf, the Joint Session was dissolved.

The President of the Senate: "Thank you very much, Mr. Speaker, and the compliments of the Senate and the President on the wonderful arrangements."

The President of the Senate returned the gavel to the Speaker.

The Speaker: "Thank you, Lieutenant Governor Cherberg."

The Speaker directed the Sergeants at Arms of the Senate and the House to escort the President, President Pro Tempore, and Vice President Pro Tempore to the Senate chamber.

The Speaker directed the Sergeants at Arms of the Senate and the House to escort the members of the Senate to the Senate chamber.

The President called the Senate to order at 7:35 p.m.

## MOTION

At 7:35 p.m., on motion of Senator Greive, the Senate adjourned until 11:30 a.m., Friday, January 15, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate

## FIFTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, January 15, 1971

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Gissberg, Matson and Woodall. On motion of Senator Keefe, Senator Gissberg was excused. On motion of Senator McDougall, Senators Matson and Woodall were excused.

The Color Guard, consisting of Pages Rich Lynberg, Color Bearer, and Janet Campbell presented the Colors. Father James McGreal, pastor of St. Michael's Church of Olympia, offered prayer as follows:

"I have a dream" ... a trademark and famous introduction to a speech given on August 8, 1963, by a most ordinary black middle class minister caught in an extraordinary historical situation. The dream is couched in the words of the Declaration of Independence. 'We hold these truths to be self-evident, that all men are created equal.' Before his untimely death less than three years ago, Reverend Martin Luther King, Jr. helped immeasurably to solve racial discrimination at the discussion, non-violent level. The heritage he left behind should inspire us to smother prejudice and bigotry wherever they rear their ugly heads. God of all, let us do what we can to make his dream come true, True brotherhood in action. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## PERSONAL PRIVILEGE

Senator Greive: "Gentlemen, I have been asked by several members who are anxious to go home for the weekend what the status is so I thought I would, rather than have to talk to each person individually, explain our problem.

"The unemployment compensation bill, in order to take advantage of certain federal benefits, has to be signed by midnight tonight. With the conference committee consisting of Senator McDougall, Senator Stortini and myself, met last night with the House and we arrived at certain basic positions. One we agreed with and one we did not agree with and if somebody has questions I will be glad to answer them. The House has taken both positions back to their caucus and are going to let us know. It just could be that we will be here until midnight.

"On the other hand, it may be that the decision will come before that time so I urge everyone to stay and be on hand and let us not find ourselves with an absence of members because it would be a disaster if some workmen weren't able to get some money because we

were not here to approve a compromise bill later this evening. I do not at this time know what the reaction of the House will be and I presume that we should discuss the details when we see what their reaction is "

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 87, by Senators Guess, Twigg, Washington, Keefe, Cooney and Day:

An Act relating to revenue and taxation; exempting deposits on food and beverage containers from the retail sales tax and business and occupation tax; amending section 82.04.070, chapter 15, Laws of 1961 and RCW 82.04.070; and amending section 82.08.010, chapter 15, Laws of 1961 as last amended by section 18 chapter 149, Laws of 1967 ex. sess. and RCW 82.08.010.

Referred to Committee on Ways and Means: Revenue and Taxation.

SENATE BILL NO. 88, by Senators Guess, Twigg, Washington and Atwood:

An Act relating to the acquisition, leasing, releasing, and construction authority of the state building authority, amending section 3, chapter 162, Laws of 1967 as amended by section 2, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.030, and amending section 4, chapter 162, Laws of 1967 and RCW 43.75.040.

Referred to Committee on State Government.

#### MOTION

On motion of Senator Guess, the rules were suspended and additional sponsors were added to Senate Bills Nos. 87 and 88.

SENATE BILL NO. 89, by Senators Petersen (Ted), Knoblauch and Murray:

An Act relating to business regulations, requiring second hand dealers to fence or hedge certain parts of their premises; adding new sections to Title 19 RCW, and providing remedies.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 90, by Senators Scott, Wilson and Lewis:

An Act relating to public records; and amending section 1, chapter 246, Laws of 1957 and RCW 40.14.010.

Referred to Committee on Constitution, Elections and Legislative Processes.

SENATE BILL NO. 91, by Senators Gisberg, Woodall and Atwood:

An Act relating to the service of summons and process in actions involving motor vehicle accidents, collisions or liability; and amending section 46.64.040, chapter 12, Laws of 1961 and RCW 46.64.040.

Referred to Judiciary Committee.

SENATE BILL NO. 92, by Senators Woodall, Atwood and Dore:

An Act relating to civil procedure; providing for allowances of attorneys' fees as costs in certain actions, and adding new sections to chapter 4.84 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 93, by Senators Dore, Holman, Stortrud and Odegaard:

An Act relating to the establishment of the Washington commission for the blind; creating the Washington commission for the blind, repealing section 74.16.030, chapter 26, Laws of 1959, section 1, chapter 128, Laws of 1965, section 1, chapter 78, Laws of 1967 and RCW 74.16.030, repealing section 74.16.040, chapter 26, Laws of 1959 and RCW 74.16.040; repealing section 1, chapter 59, Laws of 1967 and RCW 74.16.181; repealing section 2, chapter 59, Laws of 1967 and RCW 74.16.183, repealing section 74.16.300, chapter 26, Laws of 1959 and RCW 74.16.300; and declaring an emergency.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO. 94, by Senators Ridder, Elucker, Keefe and Lewis:

An Act relating to education and certain conditions and contracts of employment relating thereto, and amending section 16, chapter 15, Laws of 1970 ex. sess and RCW 28A.67.070

Referred to Committee on Education.

#### MOTION

There being no objection, the rules were suspended and additional sponsors were added to Senate Bills Nos. 93 and 94

SENATE BILL NO. 95, by Senators Talley, Washington, Huntley and Henry:

An Act relating to motor vehicles; amending section 46.37.420, chapter 12, Laws of 1961 as amended by section 1, chapter 7, Laws of 1969 ex. sess and RCW 46.37.420; and declaring an emergency.

Referred to Committee on Highways

#### MOTION

On motion of Senator Talley, the rules were suspended and Senator Henry was added as an additional sponsor to Senate Bill No. 95.

SENATE BILL NO. 96, by Senators Foley and Henry.

An Act relating to voting devices and vote tallying systems; amending section 2, chapter 130, Laws of 1967 ex. sess and RCW 29.34.180, and declaring an emergency

Referred to Committee on Constitution, Elections and Legislative Processes.

SENATE BILL NO. 97, by Senators Whetzel, Waigren and Cooney (by Legislative Council request)

An Act relating to county officials; providing for certain changes in official bonds, and amending section 36.16.050, chapter 4, Laws of 1963 as amended by section 91, chapter 176, Laws of 1969 ex. sess. and RCW 36.16.050.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 98, by Senators Francis, Metcalf and Ridder (by Joint Committee on Education request and executive request)

An Act relating to pupil conduct, discipline, and rights in the common schools; amending section 28A.58.101, chapter 223, Laws of 1969 ex. sess and RCW 28A.58.101; amending section 28A.87.140, chapter 223, Laws of 1969 ex. sess as amended by section 61, chapter 199, Laws of 1969 ex. sess and RCW 28A.87.140, repealing sections 28A.58.190, 28A.58.200, 28A.67.100 and 28A.87.120, chapter 223, Laws of 1969 ex. sess and RCW 28A.58.190, 28A.58.200, 28A.67.100 and 28A.87.120; adding new sections to Title 28A RCW as a new chapter thereof, and providing penalties

Referred to Committee on Education.

SENATE BILL NO. 99, by Senators Whetzel, Elucker, Cooney and Waigren (by Legislative Council request)

An Act relating to sewer and water districts, adding a new section to chapter 36.93 RCW, adding a new section to chapter 56.02 RCW, and adding a new section to chapter 57.02 RCW

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 100, by Senators Whetzel, Cooney and Peterson (Ted) (by Legislative Council request).

An Act relating to boundary review boards, amending section 9, chapter 189, Laws of 1967 as amended by section 5, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.090, and adding a new section to chapter 36.93 RCW.

Referred to Committee on Cities, Towns and Counties

SENATE BILL NO. 101, by Senators Whetzel, Talley, Peterson (Ted) and Cooney (by Legislative Council request):

An Act relating to combined city and county municipal corporations

Referred to Committee on Cities, Towns and Counties

#### MOTION

On motion of Senator Whetzel, the rules were suspended and additional sponsors were added to Senate Bills Nos. 99, 100 and 101

SENATE BILL NO. 102, by Senators Stender, Talley, Connor and Whetzel (by Legislative Council request):

An Act relating to fire protection districts; and adding a new section to chapter 52.24 RCW

Referred to Committee on Cities, Towns and Counties.

#### MOTION

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 102

SENATE BILL NO. 103, by Senators Metcalf, Ridder and Odegaard (by Joint Committee on Education request).

An Act relating to education, and matters relating thereto; and amending sections 28A.31.010, 28A.31.030, 28A.31.040, 28A.31.050 and 28A.31.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.31.010, 28A.31.030, 28A.31.040, 28A.31.050 and 28A.31.060

Referred to Committee on Education

SENATE BILL NO. 104, by Senators Fleming, Francis, Gardner, Peterson (Ted), Dore, Durkan, Stortini and Ridder (by Joint Committee on Education request):

An Act relating to education and certain school holidays, amending section 13, chapter 283, Laws of 1969 ex. sess. and RCW 28A.02.061; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW

Referred to Committee on Education

#### MOTION

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 104.

SENATE BILL NO. 105, by Senators Durkan, Peterson (Ted) and Dore:

An Act relating to motor vehicle repairs; and prescribing penalties

Referred to Committee on Commerce and Regulatory Agencies

SENATE JOINT RESOLUTION NO. 9, by Senator Washington:

Providing a constitutional amendment to lower the forty mill limit to twenty mills.

Referred to Committee on Ways and Means--Revenue and Taxation.

SENATE JOINT RESOLUTION NO. 10, by Senators Whetzel, Talley, Peterson (Ted) and Cooney (by Legislative Council request).

Proposing constitutional amendment authorizing new form of "city-county" government in lieu of present "city and county" government  
Referred to Committee on Cities, Towns and Counties.

#### MOTION

On motion of Senator Whetzel, the rules were suspended and additional sponsors were added to Senate Joint Resolution No. 10.

Senator Fleming moved adoption of the following resolution

#### SENATE RESOLUTION 1971 7

By Senators Fleming and Francis

WHEREAS, The members of this honorable body meet together here this fifteenth day of January, nineteen hundred and seventy-one of the year of our Lord, possessed of burdens of responsibility to the citizens of this, our State; and

WHEREAS, If courage for right in our proceedings be denied anyone of us here today, the beacon toward that way is here for all of us to follow, none shall forget the voice, filled with weariness, which proclaimed, "I am so tired, I wish I could go home every night and be with my family like everybody else but there's no turning back. There's so much to do";

This man, a Man of God, and we claim ours as a nation founded on a belief in God;

This man, a Man of Peace, the symbol of his crusade, nonviolence, and we extol to all the world ours is a nation striving for peace,

This man, a Man without Fear, and who among us would deny this to be of the greatest of our Freedoms;

This man, a Family man, imbued with that purposeful personality which made him for his children, a father without comparison, and for his wife, a husband whose worth she spends her days extolling over the continents of this earth,

This man, an Educated man, and who among us but envied his intellect, but a man is educated in more ways than by books and studying, and so he showed when refusing an offer to teach at Boston University where he took his doctorate and instead became pastor of a church, hardly the largest, in Montgomery, Alabama, and thus was born a leader, the Montgomery bus strike is not that far away in our memories nor is the group he founded, his Southern Christian Leadership Conference, whose very name bespeaks a chapter in our Nation's history,

This man, an American, a black American, was most of all the complete American, he confounded his critics; his was a life that was a complete disclaimer to all the statistics, studies and analyses that we have concluded about black America: he confounded his followers, his insistence on nonviolence and his insistence that racial equality could be achieved through unity with the whites, he was his own man until his untimely death and he was the humanitarian man whose strength was such that we today are but beginning to perceive.

NOW THEREFORE, BE IT RESOLVED, By this Senate That on this day when schools throughout this State are honoring the birthday of Dr. Martin Luther King, Jr., we the members of this body pause in our deliberations in respect to this great departed leader and alert the citizens of this State once again to his great contribution to the unity of this Nation.

AND BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this Resolution to the widow and members of the Family of the late Dr. Martin Luther King, Jr.

#### REMARKS BY SENATOR FLEMING

Senator Fleming: "I rise to ask the members of this body to support this resolution. It is a resolution that I arise with great pride and honor to speak in memory of one of our nation's great leaders. This man, Doctor Martin Luther King, Jr., dedicated his life to the quality of this society and the possibility of world peace. This man was a man of God, and we claim our nation was founded on the belief in God. This man of peace, the symbol of his crusade, non-violence and we extol to all the world our nation is striving for peace. This man, a man without fear, and who among us would deny this to be of the greatest freedoms. This man, an American, a black American, was born of all the complete American. He confounded his critics, his was a life that was a complete disclaimer to all the statistics and studies and analyses that white America has concluded about the Black American. He confounded his followers, his insistence on non-violence and his insistence that racial equality could be achieved through unity with whites.

"He was his own man until his untimely death. He was a humanitarian, a man whose strength was such that we today are now but beginning to perceive. The Montgomery bus strike is not too far away in our memories nor is the group he founded, the Southern Christian Leadership Conference, whose name bespeaks a chapter in our nation's history.

"Here was a man dedicated to making this land a better America. Here was a man that



had a dream, a dream that we all could live in harmony and peace one day. Here was a man that I too shared that dream with. That dream I shared, that dream I do believe in and I urge this body to support me unanimously in this resolution because I do believe we will overcome. Thank you."

#### REMARKS BY SENATOR ELICKER

Senator Elicker: "It would seem only fitting that a member of the party of Abraham Lincoln should respond in some way to the very eloquent speech which we have just heard from Senator Fleming.

"I am sure that there is no American, regardless of party, who would not subscribe to the ideals that Martin Luther King typified: the ideas of peaceful freedom and peaceful equality for all.

"Sitting here I have often thought of the parallel between Martin Luther King and the man after whom he was named, Martin Luther. Martin Luther was certainly a controversial figure in his time. He was beloved by many and reviled equally by many. It has taken us almost four hundred years to come to the realization, all of us, that Martin Luther was a great man. We are entering, of course, into a spirit world-wide of ecumenical good will, as far as Martin Luther was concerned and it would seem to me that it would be tragic for this country and for the world if we have to wait anywhere near that type of time to realize that Martin Luther King, although he was a controversial man, was certainly a great American and is certainly the beginning bridge toward that type of freedom and equality, equality of opportunity, we want in this nation, I think all of us.

"And so to you, Senator Fleming and to the members of the body, I would say that although Martin Luther King did much for his people, he certainly did much for all Americans. Thank you."

#### REMARKS BY SENATOR WASHINGTON

Senator Washington: "Mr. President and members of the Senate, I think we owe to this great man the fact that he brought to this country really the means and the technique of trying to receive justice by non-violent means and certainly there are many in this country, not only black but white, who are seeking to make changes in the way our country operates. They could also take a page from the non-violent book of Martin Luther King.

"So it is not only the black people of this country who can look to him for guidance but all who strive to bring the ideals of the Declaration of Independence and the Constitution to fruition. That if we can realize that this cannot be brought about by violent action, that it has to be within the constitutional framework and that there are many young people today who violate the laws of our country and then are much upset. They revile because they are put in jail.

"Now Martin Luther King at various times felt that there were laws which were unconstitutional. He felt that they violated the spirit of Christ, the spirit of God and the spirit of our Constitution and our Declaration of Independence and he violated them, but he went to jail. He recognized that if you are going to try to bring your point of view to the public, you may have to go to jail. This will be one of the penalties you pay and he did so. I think this is another one of the traditions that we can look back to with Martin Luther King and that many of the young revolutionaries of today could take that also as a guiding point. He was a great man and I hope by our thinking about him today we can help to bring some of his principles really to light and that they become a practical functioning part of this great country of ours."

#### REMARKS BY SENATOR TED PETERSON

Senator Peterson: "Mr. President and members of the Senate, as a co-sponsor on this resolution, I want to say that years back I might have had misgivings but belonging to an international organization like Lions International, I have found on inquiry and research that Martin Luther King was really a great man and did great things. He was his own man.

"On April 4, 1968, while participating in the Memphis garbage workers' strike, Martin Luther King, Jr. was shot to death by an assassin whose direct motives remain obscure. It was obvious to a horrified nation, however, that his death would stand as a symbol, not only for the horrors that men can perform against their fellow men but also as a reflection of the nobility of his cause.

"Even though we may not all have shared completely the motives King held or the methods he used to achieve social change in America, the course of events compels us to recognize his profound influence on the future direction of American social life. To the black people in America, Martin Luther King's life had a special meaning for he was their most widely recognized leader in the struggle against the oppressions that have been set against them since the institution of slavery.

"Nevertheless, Martin Luther King, Jr.'s life works go beyond the interest of a single group or color. His life touched us all and gave him the stature of a national hero and internationally made him a Nobel prize winner. The quality of Martin Luther King's contributions to our society was so great that they justify our pausing today in this chamber

to reflect his merits. The merits of his leadership and the significance of the cause for which he stood, I urge my fellow colleagues to vote for this resolution."

#### REMARKS BY SENATOR McCUTCHEON

Senator McCutcheon: "My youngest daughter is a graduate of Washington State College. There was a beautiful dark girl that came there as a delegate and the question arose, 'Shall we allow this girl to come here?' My daughter got up and said 'This woman is going to come here as my guest or I go out.' That was her attitude and in her heart.

"I want to join with Senator Fleming and members of the Senate to say this comes from the heart and not from the surface and I wish to join our very eloquent Senator here today."

#### REMARKS BY SENATOR DORE

Senator Dore: "Mr. President and members of the Senate, I too as a sponsor would like to join in this resolution which Senator Fleming, our new Senator from the thirty-seventh district has so eloquently put forth.

"I think during our lifetime we don't realize that sometimes our very great pass among us without too much fanfare, then later on we find out and realize how great they are. I think during my lifetime I have had two such experiences, one in reference to John F. Kennedy and one in reference to Martin Luther King.

"Back in law school one day I had to get a speaker for the law class and someone told me there was a congressman from Massachusetts. Maybe he lives in a boarding house. He would be willing to come and speak. I called him and it turned out it was Congressman John F. Kennedy, then only twenty-nine years of age.

"I went down and picked him up and later on I met him and introduced him and he was one of us, a young congressman twenty-nine years of age, later to become our President and one of the great Americans of all time.

"A number of years later I had a similar experience with another man, different in his origin. Where one had come from the pinnacles of one of our great American families of great wealth and great opportunity; another, equally as dedicated, equally as intelligent and determined another man, was asked to go down and pick up at the bus station and take out to the Eagles to give a speech there. I went down and I met for the first time Martin Luther King, just the two of us. He was a small man in stature. I am not large but he was much smaller than I, he was very friendly unobtrusive, and I talked very unengagingly to him and went to the auditorium and there was a large crowd there. I heard his speech and his message. Undoubtedly he was one of the most gifted orators I think I have ever heard. He was dedicated in his position. He was a man of great sincerity which people took his word as a contract. Because of that, they followed his leadership.

"I think one of the greatest things was not the natural talents of Martin Luther King. I think he was a great man for this reason. He believed in our democracy, our way of life. He believed that there were ills in the world, as we all do. He knew that there was an unequal opportunity of education, of citizenship, of ownership of property and association in the public places in the black and white community, not only in this state but throughout our land but he was willing to try to give leadership to the end that within the system we could have an effectuate change, within our democratic system.

"He wasn't one who advocated that it is too late. Our government is irreconcilable with justice for all our people, black and white. He did not believe that and because he did not believe, because he preached and people believed him, because he was willing to go to jail for his convictions but always to stay within the system. Because he believed, as he told me that day, that democracy in America has the finest government that man has ever known, that he wanted to stay and live within the system.

"So it is indeed fitting that we here in this assembled Senate here today should go on record in favor of this resolution to the end to honor Martin Luther King not only in this state but in the nation, for he truly is being honored not as a black man but one of the greatest Americans we have ever known, one that truly believed in our democratic way of life."

The motion carried and the resolution was unanimously adopted.

#### MOTION

At 12:30 p.m., on motion of Senator Greive, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

## MOTION

On motion of Senator Keefe, Senator Fleming was excused

## MESSAGE FROM THE HOUSE

January 15, 1971.

Mr. President: The House has adopted the report of Conference Committee on ENGROSSED SENATE BILL NO. 58, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

MALCOLM McBEATH, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

January 15, 1971.

Mr. President

Mr. Speaker

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 58, conforming Washington unemployment compensation law to federal law in regard to certain extended benefits, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference

Signed by Senators Greive, Stortini and McDougall; Representatives Morrison, Hubbard and Grant.

## MOTIONS

On motion of Senator Greive, the report of Conference Committee on Engrossed Senate Bill No. 58 was adopted and the committee was granted the powers of Free Conference

## MESSAGE FROM THE HOUSE

January 15, 1971.

Mr. President The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 58, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

## REPORT OF FREE CONFERENCE COMMITTEE

January 15, 1971.

Mr. President

Mr. Speaker

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 58, conforming Washington unemployment compensation law to federal law in regard to certain extended benefits, have had the same under consideration, and we recommend that the attached bill be substituted therefor and that it do pass.

An Act relating to unemployment compensation, adding new sections to chapter 35, Laws of 1945 and to Title 50 RCW as a new chapter therein, repealing section 23, chapter 2, Laws of 1970 ex sess and RCW 50 20 127; establishing effective dates; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON

NEW SECTION, Section 1, Sections 2 through 11 of this 1971 amendatory act are added to chapter 35, Laws of 1945 and to Title 50 RCW as a new chapter therein.

NEW SECTION Sec. 2. As used in this 1971 amendatory act, unless the context clearly indicates otherwise.

(1) "Extended benefit period" means a period which.

(a) Begins with the third week after whichever of the following weeks occurs first

(i) a week for which there is a national "on" indicator, or

(ii) a week for which there is a state "on" indicator PROVIDED, That, as there was a state "on" indicator for the week which was three weeks prior to October 11, 1970 an extended benefit period began on that date

(b) Ends with the third week after the first week for which there is both a national "off" indicator and a state "off" indicator PROVIDED That no extended benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state; AND PROVIDED FURTHER, That prior to January 1, 1972, an extended benefit period may become effective and be terminated in this state solely by reason of a state "on" and a state "off" indicator, respectively

(2) There is a "national 'on' indicator" for a week if the United States secretary of labor determines that for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded four and five-tenths percent.

(3) There is a "national 'off' indicator" for a week if the United States secretary of labor determines that for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states was less than four and five-tenths percent.

(4) There is a "state 'on' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks the rate of insured unemployment (not seasonally adjusted) as determined under the provisions of subsection (6) of this section

(a) equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, and

(b) equaled or exceeded four percent.

(5) There is a "state 'off' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) as determined under the provisions of subsection (6) of this section was either:

(a) Less than one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, or

(b) Less than four percent.

(6) "Rate of insured unemployment", for purposes of subsection (4) and (5) of this section, means the percentage derived by dividing the average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the commissioner on the basis of his reports to the United States secretary of labor, by the average monthly employment covered under this title for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

(7) "Regular benefits" means benefits payable to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

(8) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than emergency benefits payable to an individual under the provisions of this chapter for weeks of unemployment in his eligibility period.

(9) "Additional benefits" are benefits other than regular benefits or extended benefits. The term includes benefits paid or payable pursuant to RCW 50 20 127 for weeks ending prior to October 11, 1970 and emergency benefits as provided for in this 1971 amendatory act.

(10) "Emergency benefits" are additional benefits payable only during the emergency benefit period. The entitlement and eligibility criteria for such benefits are contained in section 9 of this 1971 amendatory act.

(11) "Emergency benefit period" is the only period during which emergency benefits are payable. It is coincident to that extended benefit period which began on October 11, 1970, but in no event shall such emergency benefit period extend beyond October 2, 1971.

(12) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period that is in effect in this state and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(13) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period

(a) Has received, prior to such week, all of the regular benefits that were available to him under this title or any other state law (including dependents allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week. PROVIDED, That for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal, with respect to wages and/or employment that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to more regular benefits; or

(b) His benefit year having expired prior to such week, has no, or insufficient, wages and/or employment on the basis of which he could establish a new benefit year that would include such week; and

(c) Has no rights to allowances or unemployment benefits, as the case may be, under the railroad unemployment insurance act, the trade expansion act of 1962, or the automotive products trade act of 1965 and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(d) Has not received and is not seeking unemployment benefits under the employment security law of the Virgin Islands or of Canada, but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is an exhaustee.

(14) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954.

**NEW SECTION** Sec. 3. Except when the result would be inconsistent with the other provisions of this 1971 amendatory act, the provisions of this title and commissioner's regulations enacted pursuant thereto, which apply to claims for or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

**NEW SECTION** Sec. 4. An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the commissioner finds that with respect to such week:

(1) He is an "exhaustee" as defined in subsection 18 of section 2 of this 1971 amendatory act; and

(2) He has satisfied the requirements of this title for the receipt of regular benefits that are applicable to individuals claiming extended benefits including not being subject to a disqualification for the receipt of benefits.

**NEW SECTION** Sec. 5. The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

**NEW SECTION** Sec. 6. The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be the least of the following amounts:

(1) Fifty percent of the total amount of regular benefits which were payable to him under this title in his applicable benefit year;

(2) Thirteen times his weekly benefit amount which was payable to him under this title for a week of total unemployment in the applicable benefit year, or

(3) Thirty nine times his weekly benefit amount which was payable to him under this title for a week of total unemployment in the applicable benefit year reduced by the total amount of regular benefits which were paid (or deemed paid) to him under this title with respect to the benefit year.

**NEW SECTION** Sec. 7. (1) Whenever an extended benefit period is to become effective in this state (or in all states) as a result of a state or national "on" indicator, or an extended benefit period is to be terminated in this state as a result of state and national "off" indicators or solely as a result of a state "off" indicator prior to January 1, 1972, the commissioner shall make an appropriate public announcement.

(2) Computations required by the provisions of subsection (6) of section 2 of this 1971 amendatory act shall be made by the commissioner, in accordance with regulations prescribed by the United States secretary of labor.

**NEW SECTION** Sec. 8. Benefits paid under the provisions of RCW 50 20 127 for weeks beginning on and after October 11, 1970, and prior to the effective date of this 1971 amendatory act shall be considered as extended benefits paid under this act to the extent that such benefits would have been payable had this act been in effect at the time such benefits were paid. The commissioner shall establish a total extended benefit amount pursuant to this act for each individual who receives benefits under RCW 50 20 127 with respect to weeks of unemployment beginning on and after October 11, 1970, and shall reduce such total extended benefit amount by the aggregate amount of benefits paid to each such individual under RCW 50 20 127 with respect to weeks of unemployment beginning on and after October 11, 1970, which would have been payable to such individual under this act had it been in effect at the time such payments were made. **PROVIDED HOWEVER,** That this provision shall not be interpreted as granting retroactive benefits for weeks of unemployment which were not claimed under the provisions of RCW 50 20 127.

**NEW SECTION** Sec. 9. The current protracted period of high unemployment in this state requires the enactment of a temporary emergency benefit program. The benefits to be paid pursuant to this program are designated as emergency benefits. Emergency benefits are payable only for weeks claimed during the emergency benefit period. **PROVIDED, HOWEVER,** That no such benefits are payable for weeks commencing after October 2, 1971. No individual shall be deemed qualified for emergency benefits unless the benefit year upon which his current eligibility period is based includes the effective date of this 1971 amendatory act, nor shall he be deemed qualified unless he has exhausted his entitlement to extended benefits and continues to meet the exhaustee criteria. Subject to the foregoing limitations emergency benefits will be paid in accordance with the terms and conditions set forth in the following subsections.

(1) An individual's total entitlement to emergency benefits is the balance obtained by subtracting the total amount of benefits, if any, which have been claimed pursuant to RCW 50 20 127 for weeks ending prior to October 11, 1970 from the lesser of the following amounts:

(a) Fifty percent of the total amount of regular benefits which were payable to him under this title with respect to his applicable benefit year; or

(b) Thirteen times the weekly regular benefit amount which was payable to him under this title for a week of total unemployment during his applicable benefit year.

(2) An individual's weekly emergency benefit amount shall be the same as the weekly regular benefit amount payable to him under this title for a week of total unemployment during his applicable benefit year.

(3) Except when the result would be inconsistent with other provisions of this 1971 amendatory act, the provisions of this title and the commissioner's regulations enacted

pursuant thereto, which apply to claims for, or the payment of, regular benefits shall apply to claims for, or the payment of, emergency benefits.

**NEW SECTION** Sec. 10. Section 23, chapter 2, Laws of 1970 ex. sess. and RCW 50 20 127 are each hereby repealed. No benefits shall be paid pursuant to RCW 50 20 127 for weeks commencing on or after the effective date of this 1971 amendatory act.

**NEW SECTION** Sec. 11. This 1971 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on the Sunday following the day on which the governor signs this enactment.

Signed by Senators Greive, Stortini and McDougall, Representatives Morrison and Grant.

### MOTION

On motion of Senator Greive, the report of the Free Conference Committee on Engrossed Senate Bill No. 58 was adopted  
Debate ensued

### POINT OF INQUIRY

Senator Mardesich: "Mr. President, I should like to ask any of these people who are on this committee a question. I am not entirely clear in my own mind as to what the retroactive feature will yield to this state by way of recovery of what we have paid out."

Senator Greive: "Mr. President, actually it will yield twenty-five million dollars but we would have received twenty-three million anyway and so the difference between making it go into effect Monday and without the retroactive provision is a total of \$1.75 million dollars."

Senator Mardesich: "You say in effect then that the state will recover all benefits that it has paid out by the way of extended benefits from October 11 to date?"

Senator Greive: "Oh, no. As a practical matter we debated this very extensively when the bill came up. The federal government at the second stage of the proceedings is perfectly willing to reimburse us. They call it a 50-50 provision and actually it does not work out 50-50. Why, I do not know. You will just have to take my word for it. We have asked the department, they do not seem to know either. In actual matter, without this particular provision, it looked to us that we received about \$17 million dollars and now by this retroactive feature, we are picking up some more. They will never cover more than fifty percent. So they cover fifty percent of the second stage and that is where the twenty five million dollars comes from."

Senator Mardesich: "Are we recovering anything on the first thirteen weeks extended we had under our state law?"

Senator Greive: "Yes, this extended is what I am talking about."

Senator Mardesich: "How much is that figure?"

Senator Greive: "Twenty-five million dollars totally. That is when you project the program to its conclusion. This does not mean that we as of now are going to recover it. I do not know what the current figure is as of January but the projected life of this particular program will be approximately twenty-five million dollars."

### PERSONAL PRIVILEGE

Senator Peterson (Lowell): "Mr. President and members of the Senate, I do not rise to oppose the passage and the adoption of the Free Conference report. I would like to bring up a point that Senator Greive said that out of a sense of passion or empathy that the Governor would extend the benefits. His recent action in the position of the closure of Northern State Hospital does not indicate to me that he has much empathy or passion."

### POINT OF ORDER

Senator Andersen: "I believe the Senator's remarks depart far afield from the merits of the particular bill before the body and I invoke the rule in that respect."

Senator Peterson (Lowell): "Mr. President, I think my remarks are devoted to the arguments that were presented in favor of the measure. I think they are germane to the subject that we are discussing. I do not have anything further to say. I think my point has been put across adequately."

### POINT OF INQUIRY

Senator Mardesich: "To continue on this subject matter, I have been told by the department that extended state benefits have cost us a total of \$13,345,000 as of December 31. Can anyone who was on the Conference Committee indicate whether that is the correct figure?"



Senator McDougall: "I do not know whether you have available, Senator Mardesich, or whether or not you know that the department of labor made retroactive some of these particular funds which the state had been paying out since October 11, whereas the overall net effect has been a two million dollar—the actual cost is actually two million dollars less now—than what it might have been to state funds prior to that time and had we not received this retroactive benefit."

"Do you have the copy of the alternate extended benefits proposal from the department of employment security? I think you will note that the federal funds as a result of the conference report which we are discussing now are \$25 million of state funds will be \$50.5 million and the total benefits will be \$75.5 million whereas previous to the commitment the other day from the department, federal funds would have been \$23 million, \$52.5 million out of the state funds where again a total of benefits of \$75.5."

Senator Mardesich: "The point I am driving at is really this. It is my understanding that the federal act as of October 11 or that under certain circumstances the state would be reimbursed at the rate of fifty percent for all extended benefits paid. Is that correct?"

"Under the Conference Committee report you show federal funds of \$25 million and state funds at \$50 million. Would the implication of that be that out of a total of \$75 million under the fifty percent matching, the state should have paid out \$37.5 million and the federal would have paid out \$37.5 million and whereas the state is now paying out \$50 million under this program?"

Senator Greive: "Mr. President, maybe I can help Senator Mardesich. My understanding is that the federal share in this is some \$8 million up to the present time. That it is a little more than \$8 million and that is what we are talking about."

"Now, I do not know whether his figure that we have spent \$13 million total, but their share was \$8 million. If that were true then it would be at least \$16 million in the program up to now. If that will be helpful, that is what I understand."

Senator Mardesich: "It would indicate to me that we are not getting a full fifty percent matching. Is that a correct assumption?"

Senator Greive: "Theoretically, or in conformance with the program, I understand that we are getting full fifty percent, except that every time anybody gives me the figures, it is not fifty percent. So I do not quite know enough about the federal program to know what the provisions are that prevent us from getting a full fifty percent but we are getting everything to which we are entitled as I understand it."

Senator Mardesich: "I think the difference is, and unless I am mistaken, that if you would add the \$25 million to the \$13.5 million, you are getting nearly fifty percent matching. I think the implication of that is that we are not in fact getting reimbursement running back to the inception of the federal bill."

"That is the question I am trying to clear up here because if these figures do indicate that, then we are not receiving what we might have received had this action been taken earlier and that is the point I am seeking to have answered."

Senator McDougall: "Let me take one more stab at this and hope that I am correct. My understanding in talking to people in the department is that we are receiving the full fifty percent matching fund even though it reflects on the particular sheet that you have in front of you as showing that state funds are somewhat more than what the federal funds would be."

"I have been told and I certainly believe that we are receiving the full fifty percent federal matching funds even as though we had begun the federal-state program as of October 11, 1970."

Further debate ensued.

#### POINT OF INQUIRY

Senator Dore: "I think what Senator Mardesich is driving at, is how many dollars did we lose from federal matching funds by passing this legislation now rather than last year."

Senator McDougall: "Sir, we lost no money whatsoever. We have been fortunate enough to receive retroactive to the effective date of the federal act which was October 11, all the benefits on a matching basis from that time to today."

Further debate ensued.

Senator Keefe demanded the previous question and the demand was sustained by Senators Francis, Cooney and Talley.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 58, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll and Engrossed Senate Bill No. 58, as amended by the Free Conference Committee passed the Senate by the following vote: Yeas, 45, excused, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elucker, Foley, Francis, Gardner, Greive, Guess, Henry, Herr,

Holman, Huntley, Joly, Keefe, Knoebauch, Lewis, McCutcheon, McDougall, Mardesch, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson. 45.

Excused. Senators Fleming, Gissberg, Matson, Woodall—4.

ENGROSSED SENATE BILL NO. 58, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SIGNED BY THE PRESIDENT

The President signed SENATE BILL NO. 58.

#### MOTION

On motion of Senator Greive, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

January 15, 1971.  
Mr. President: The Speaker has signed SENATE BILL NO. 58, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

At 3:00 p.m., on motion of Senator Greive, the Senate adjourned until 12:00 noon, Monday, January 18, 1971.

JOHN A. CHERBERG, President of the Senate.  
SIDNEY R. SNYDER, Secretary of the Senate.

## EIGHTH DAY

## NOON SESSION

Senate Chamber, Olympia, Wash., Monday, January 18, 1971.

The Senate was called to order at Noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Francis, Gissberg and Peterson (Lowell). On motion of Senator Bailey, Senator Francis was excused. On motion of Senator Keefe, Senator Gissberg was excused. On motion of Senator Henry, Senator Peterson (Lowell) was excused.

The Color Guard, consisting of Pages Philis Grecco, Color Bearer, and Dave Keene presented the Colors. Doctor Henry S. Rahn, pastor of First Baptist Church of Olympia, offered prayer as follows:

"Eternal God our Father, as we begin another week we are challenged by the duties and the obligations set before us. We come to Thee in the faith that to our knowledge and experience Thou art able to add wisdom and discernment and thus enable us to do better in our day's work. Bless these leaders in state government assembled here and watch over their families. This we ask in our Master's Name. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## MESSAGE FROM THE SECRETARY OF STATE

January 11, 1971.

THE HONORABLE, THE PRESIDENT OF THE SENATE,  
THE LEGISLATURE OF THE STATE OF WASHINGTON,  
OLYMPIA, WASHINGTON.

SIR:

I have the honor to transmit herewith pursuant to Section 12, Article 3 of the Constitution of the State of Washington, for the consideration of the Senate, the following bills passed by the Senate and House of Representatives at the Second Extraordinary Session of the Forty-first Legislature, and partially vetoed by the Governor after the adjournment of said session, together with his veto messages attached thereto. They are Enrolled SB 45, SB 49, SB 52, SSB 99, SB 105, SB 132, SSB 139 and SSB 161.

Respectfully,  
A. LUDLOW KRAMER  
Secretary of State.

## MOTION

On motion of Senator Greive, Senate Bills Nos. 45, 49, 52, Substitute Senate Bill No 99, Senate Bills Nos. 105, 132, Substitute Senate Bill No 139 and Substitute Senate Bill No 161 together with the Governor's partial vetoes were referred to the Committee on Rules and Joint Rules.

## MESSAGE FROM THE GOVERNOR

Office of the Governor, January 26, 1971  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

## GENTLEMEN

I have the honor to advise that Governor Evans has approved the following Senate Bill, entitled.

SENATE BILL NO. 58: Conforming Washington unemployment law to federal law in regard to certain extended benefits.

Sincerely,  
RICHARD W. HEMSTAD  
Legal Assistant

## MESSAGE FROM THE HOUSE

January 13, 1971  
Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 72, and the same is herewith transmitted MALCOLM McBEATH, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 106, by Senator Talley:

An Act relating to highways, and making an appropriation for planning, design and right-of-way acquisition for a highway between Point Ellice and Skamokawa.

Referred to Committee on Highways

SENATE BILL NO. 107, by Senator Wilson:

An Act relating to interlocal cooperation; and amending section 3, chapter 239, Laws of 1967 as last amended by section 1, chapter 88, Laws of 1969 and RCW 39.34.020

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 108, by Senators Andersen, Odegaard and Walgren (by departmental request),

An Act relating to crimes and punishment; and amending section 33, chapter 249, Laws of 1909 as amended by section 2, chapter 109, Laws of 1925 ex sess and RCW 9A.02.080.

Referred to Judiciary Committee.

SENATE BILL NO. 109, by Senators Washington, Elicker, Bailey, Odegaard, Durkan, Peterson (Ted), Greive, Metcalf, McCutcheon, Stortini, Donohue, Carfield, Connor, Wilson, Murray, Newschwander, Talley, Mardesich, Henry, Knoblauch, Woodal, Sandison, Cooney, Jolly and Walgren.

An Act relating to state government; creating a new division in the department of the board of education, prescribing certain powers and duties of certain public officers, and adding a new section to chapter 28A.04 RCW

Referred to Committee on Education

## MOTION

On motion of Senator Washington the rules were suspended and additional sponsors were added to Senate Bill No. 109

SENATE BILL NO. 110, by Senators Peterson (Ted), Knoblauch and Lewis

An Act relating to the administration and enforcement of laws and rules and regulations of the game commission pertaining to steelhead trout, and adding a new section to chapter 77.16 RCW

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 111, by Senators Peterson (Ted), Ridder and Lewis.

An Act relating to land areas along the Pacific Ocean and Puget Sound; amending section 1, chapter 54, Laws of 1935 and RCW 79.16.130, amending section 1, chapter 105, Laws of 1901 and RCW 79.16.160, amending section 1, chapter 110, Laws of 1901 and RCW 79.16.170 amending section 46.08.180, chapter 12, Laws of 1961 as amended by

section 7, chapter 120 Laws of 1967 and RCW 43.51.680, adding a new section to chapter 43.51 RCW; creating a new section, and declaring an emergency.

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO. 112, by Senators Peterson (Ted), Sandison and Ellicker

An Act relating to certain public lands; and amending section 112, chapter 255, Laws of 1927 and RCW 79.01.448

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 113, by Senators Washington and Peterson (Lowell) (by Joint Committee on Highways request)

An Act relating to emergency medical services; amending section 46.04.040, chapter 12, Laws of 1961 and RCW 46.04.040 amending section 46.08.060, chapter 12, Laws of 1961 and RCW 46.08.060, repealing section 1 chapter 65, Laws of 1945 and RCW 70.54.060; prescribing penalties; and declaring an emergency.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO. 114, by Senators Francis, Woodall and Holman.

An Act relating to the discharge of public assistance liens and the payment of attorney's fees and costs, and amending section 12, chapter 173 Laws of 1969 ex sess and RCW 74.09.186

Referred to Judiciary Committee.

SENATE BILL NO. 115, by Senators Henry, Donohue, Washington and Guess (by Joint Committee on Highways request)

An Act empowering officers of the Washington state patrol to require motor vehicle drivers to stop and display their drivers' licenses and/or submit their motor vehicles to inspections and tests, amending section 2, chapter 144, Laws of 1967 and RCW 46.64.070, and declaring an emergency

Referred to Judiciary Committee.

There being no objection the rules were suspended and additional sponsors were added to Senate Bill No. 115

SENATE BILL NO. 116, by Senators Talley, Atwood and Peterson (Lowell)

An Act relating to harbor lines; and creating a new section

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO. 117, by Senators Walgren, Washington and Guess (by Joint Committee on Highways request)

An Act relating to juvenile courts, and amending section 2, chapter 160, Laws of 1913 as last amended by section 1, chapter 65, Laws of 1937, and RCW 13.04.030.

Referred to Judiciary Committee

SENATE BILL NO. 118, by Senators Washington and Guess (by Joint Committee on Highways request)

An Act relating to inferior courts, amending section 2, chapter 299, Laws of 1961 and RCW 3.30.020, and amending section 179, chapter 299, Laws of 1961 and RCW 3.74.920

Referred to Judiciary Committee

SENATE BILL NO. 119, by Senators Ridder, Francis, Stortini and Odagaard

An Act relating to the public welfare and providing certain funds for local government; and prescribing penalties.

Referred to Committee on Commerce and Regulatory Agencies

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 119

## MOTION

On motion of Senator Greive, Senate Bill No. 120 was ordered held for introduction and first reading, Tuesday, January 19, 1971.

SENATE BILL NO 121, by Senators Gissberg, Dore, Andersen and Greive (by Joint Committee on Governmental Cooperation request):

An Act relating to the judiciary, amending section 1, chapter 157, Laws of 1951 as last amended by section 1, chapter 124, Laws of 1967 ex sess and RCW 1.08.001, amending section 2, chapter 157, Laws of 1951 as last amended by section 2, chapter 95, Laws of 1959 and RCW 1.08.003, amending section 7, page 36, Laws of 1909 and RCW 2.04.030, amending section 1, part, chapter 151, Laws of 1903 as last amended by section 1, chapter 51, Laws of 1951 and RCW 2.32.070, amending section 1, chapter 185, Laws of 1943 and RCW 2.32.160; amending section 29, chapter 61, Laws of 1893 as amended by section 1, chapter 86, Laws of 1941 and RCW 4.88.260, amending section 3, chapter 150, Laws of 1941 and RCW 40.04.030, amending section 6, chapter 150, Laws of 1941 and RCW 40.04.00, amending section 7, chapter 150, Laws of 1941 and RCW 40.04.110, amending section 43.88.090, chapter 8, Laws of 1965 and RCW 43.88.090; amending section 80.04.90, chapter 14, Laws of 1961 and RCW 80.04.190, amending section 81.04.190, chapter 14, Laws of 1961 and RCW 81.04.190, and adding a new section to chapter 2.06 RCW.

Referred to Judiciary Committee.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 121.

SENATE BILL NO 122, by Senators Gissberg, Dore, Andersen and Greive (by Joint Committee on Governmental Cooperation request):

An Act relating to the judiciary, amending section 2, chapter 24, Laws of 1909 as amended by section 1, chapter 119, Laws of 1911, and RCW 2.04.071, amending section 14, page 324, Laws of 1890 and RCW 2.04.080, amending section 2, chapter 38, Laws of 1955 and RCW 2.04.100, amending section 1, chapter 206, Laws of 1939 and RCW 2.04.110, amending section 15, page 344, Laws of 1890 and RCW 2.08.080, amending section 11, page 343, Laws of 1890 as amended by section 1, chapter 149, Laws of 1967 and RCW 2.08.180, amending section 1, chapter 202, Laws of 1969 ex sess and RCW 2.12.035, amending section 6, chapter 229, Laws of 1937 as last amended by section 2, chapter 243, Laws of 1957 and RCW 2.12.060, amending section 2, chapter 53, Laws of 1891 and RCW 2.20.020; amending section 3, chapter 124, Laws of 1909 and RCW 2.24.050, amending section 3, chapter 54, Laws of 1891 as amended by section 1, chapter 39, Laws of 1895 and RCW 2.28.030, amending section 3, chapter 57, Laws of 1891 and RCW 2.32.050, amending section 5, chapter 126, Laws of 1921 and RCW 2.48.200; amending section 8, chapter 259, Laws of 1957 and RCW 2.56.080, amending section 90, chapter 299, Laws of 1961 and RCW 3.50.410; amending section 1, chapter 60, Laws of 1929 and RCW 4.56.190, amending section 2, chapter 60, Laws of 1929 and RCW 4.56.200, amending section 8, chapter 60, Laws of 1929 and RCW 4.56.225, amending section 2, chapter 138, Laws of 1933 and RCW 4.76.030, amending section 7, chapter 60, Laws of 1893 and RCW 4.80.050, amending section 17, chapter 60, Laws of 1893 and RCW 4.80.140, amending section 384, page 203, Laws of 1854 as last amended by section 1, chapter 62, Laws of 1959 and RCW 4.84.170; amending section 385, page 204, Laws of 1854 as last amended by section 523, Code of 1881 and RCW 4.84.180, amending section 3, chapter 95, Laws of 1895 and RCW 4.92.030, amending section 2, page 338, Laws of 1890 and RCW 5.48.020, amending section 2, chapter 25, Laws of 1929 and RCW 6.04.010, amending section 1, page 377, Laws of 1854 as last amended by section 335, Code of 1881 and RCW 6.08.010, amending section 265, page 182, Laws of 1854 as last amended by section 366, Code of 1881 and RCW 6.24.090, amending section 33, chapter 65, Laws of 1895 and RCW 7.16.330, amending section 35, chapter 65, Laws of 1895 and RCW 7.16.350; amending section 436, page 212, Laws of 1854 as last amended by section 10, chapter 9, Laws of 1957 and RCW 7.36.040, amending section 2, chapter 256, Laws of 1947 and RCW 7.36.140; amending section 2, chapter 213, Laws of 1955 and RCW

8 04 070, amending section 2, chapter 156, Laws of 1955 and RCW 8 04 098, amending section 7, chapter 74, Laws of 1891 as last amended by section 4, chapter 177, Laws of 1951, and RCW 8 04 130, amending section 9, chapter 74, Laws of 1891 and RCW 8 04 150, amending section 4, chapter 79, Laws of 1949 and RCW 8 08 040, amending section 8, chapter 79, Laws of 1949 and RCW 8 08 080, amending section 16, chapter 84, Laws of 1893 as last amended by section 6, chapter 153, Laws of 1907 and RCW 8 12 200, amending section 49, chapter 153, Laws of 1907 as amended by section 21, chapter 154, Laws of 1909 and RCW 8 12 530, amending section 13, page 375, Laws of 1909 and RCW 8 16 130, amending section 7, page 299, Laws of 1890 and RCW 8 20 100, amending section 9, page 300, Laws of 1890 and RCW 8 20 120, amending section 15, chapter 254, Laws of 1951 and RCW 9 81 090, amending section 67, chapter 249, Laws of 1909 and RCW 9 82 630, amending section 7, chapter 133, Laws of 1955 as amended by section 10, chapter 203, Laws of 1967 and RCW 9 95 060, amending section 4, chapter 42, Laws of 1955 and RCW 9 95 063, amending section 16, page 75, Laws of 1865 as last amended by section 1, chapter 91, Laws of 1967 and RCW 0 31 060, amending section 5, chapter 30, Laws of 1907 and RCW 10 76 050, amending section 8, chapter 30, Laws of 1907 as last amended by section 1, chapter 9, Laws of 1965 ex sess and RCW 10 76 060, amending section 6, chapter 30, Laws of 1907 as last amended by section 2, chapter 9, Laws of 1965 ex sess and RCW 10 76 070, amending section 7, chapter 30, Laws of 1907 and RCW 10 76 080, amending section 11 96 010, chapter 145, Laws of 1965 and RCW 11 96 010, amending section 14, chapter 302, Laws of 1961 and RCW 13 04 220, amending section 24, chapter 81, Laws of 1961 and RCW 5 63 240, amending section 14, chapter 125, Laws of 1929 and RCW 17 04 230, amending section 2, chapter 140, Laws of 1921 and RCW 17 16 110, amending section 12, chapter 323, Laws of 1959 and RCW 18 08 210, amending section 36, chapter 52, Laws of 1957 and RCW 18 32 280, amending section 15, chapter 222, Laws of 1944 and RCW 18 78 140, amending section 16, chapter 305, Laws of 1955 as amended by section 16, chapter 70, Laws of 1965 and RCW 18 83 160, amending section 17, chapter 222, Laws of 1951 as amended by section 46, chapter 52, Laws of 1957 and RCW 18 85 290, amending section 15, chapter 71, Laws of 1941 and RCW 18 92 210, amending section 11, chapter 53, Laws of 1967 ex sess and RCW 19 10 110, amending section 10, chapter 211, Laws of 1955 and RCW 19 77 100, amending section 20, chapter 139, Laws of 1959 and RCW 20 01 200, amending section 7, chapter 154, Laws of 1933 and RCW 22 20 100, amending section 28, chapter 115, Laws of 1921 and RCW 24 32 360, amending section 4, page 404, Laws of 1854 as last amended by section 1, chapter 35, Laws of 1913 and RCW 26 04 050, amending section 9, chapter 215, Laws of 1949 and RCW 26 08 090, amending section 28A 58 500, chapter 223, Laws of 1969 ex sess and RCW 28A 58 500, amending section 16, chapter 36, Laws of 1969 ex sess and RCW 28B 16 160, amending section 28B 50 300, chapter 223, Laws of 1969 ex sess and RCW 28B 50 300, amending section 29 04 030, chapter 9, Laws of 1965 and RCW 29 04 030, amending section 29 21 070, chapter 9, Laws of 1965 and RCW 29 21 070, amending section 29 30 020, chapter 9, Laws of 1965 and RCW 29 30 020, amending section 29 65 130, chapter 9, Laws of 1965 and RCW 29 65 130, amending section 29 80 020, chapter 9, Laws of 1965 and RCW 29 80 020, amending section 30 04 040, chapter 33, Laws of 1955 and RCW 30 04 040, amending section 30 30 090, chapter 33, Laws of 1955 and RCW 30 30 090, amending section 23, chapter 208, Laws of 1941 and RCW 31 08 260, amending section 3, chapter 173, Laws of 1933 as last amended by section 1, chapter 65, Laws of 1969 and RCW 31 12 050, amending section 11, chapter 173, Laws of 1933 as last amended by section 15, chapter 180, Laws of 1967 and RCW 31 12 360, amending section 115, chapter 235, Laws of 1945 and RCW 33 04 060, amending section 8, chapter 235, Laws of 1945 as amended by section 1, chapter 71, Laws of 1953 and RCW 33 08 070, amending section 113, chapter 235, Laws of 1945 and RCW 33 40 120, amending section 14, chapter 234, Laws of 1959 and RCW 34 04 140, amending section 35 20 070, chapter 7, Laws of 1965 and RCW 35 20 070, amending section 35 22 560, chapter 7, Laws of 1965 and RCW 35 22 560, amending section 35 44 230, chapter 7, Laws of 1965 and RCW 35 44 230, amending section 35 44 260, chapter 7, Laws of 1965 and RCW 35 44 260, amending section 35 44 270, chapter 7, Laws of 1965 and RCW 35 44 270, amending section 35 50 260, chapter 7, Laws of 1965 and RCW 35 50 260, amending section 35 55 080, chapter 7, Laws of 1965 and RCW 35 55 080, amending section 35 56 090, chapter 7, Laws



of 1965 and RCW 35 56 090, amending section 36 05 060, chapter 4, Laws of 1963 and RCW 36 05 060, amending section 16, chapter 189, Laws of 1967 as amended by section 9, chapter 111, Laws of 1969 ex sess and RCW 36 43 160, amending section 29, chapter 72, Laws of 1967 and RCW 36 94 290, amending section 16, chapter 4, Laws of 1917 and RCW 37 16 130, amending section 7, chapter 1, Laws of 1961 as last amended by section 23, chapter 36, Laws of 1969 ex sess and RCW 41 06 070, amending section 21, chapter 1, Laws of 1961 and RCW 41 06 210, amending section 12, chapter 1, Laws of 1959 and RCW 41 14 120, amending section 21, chapter 209, Laws of 1969 ex sess and RCW 41 26 230, amending section 65, chapter 80, Laws of 1947 and RCW 41 32 650, amending section 16, chapter 50, Laws of 1951 and RCW 41 40 440, amending section 2, chapter 150, Laws of 1965 ex sess and RCW 42 21 020, amending section 43 07 120, chapter 8, Laws of 1965 and RCW 43 07 120, amending section 43 08 020, chapter 8, Laws of 1965 and RCW 43 08 020, amending section 43 10 030, chapter 8, Laws of 1965 and RCW 43 10 030, amending section 3, chapter 32, Laws of 1969 and RCW 43 19 190, amending section 43 19 200, chapter 8, Laws of 1965 and RCW 43 19 200, amending section 43 24 120, chapter 8, Laws of 1965 and RCW 43 24 120, amending section 43 52 430, chapter 8, Laws of 1965 and RCW 43 52 430, amending section 43 78 030, chapter 8, Laws of 1965 and RCW 43 78 030, amending section 47 22 070, chapter 13, Laws of 1961 and RCW 47 22 070, amending section 10, chapter 7, Laws of 1933 ex sess and RCW 49 32 080, amending section 8, chapter 294, Laws of 1959 and RCW 49 46 080, amending section 21, chapter 37, Laws of 1957 and RCW 49 60 260, amending section 128, chapter 35, Laws of 1945 and RCW 50 32 120, amending section 129, chapter 35, Laws of 1945 and RCW 50 32 130, amending section 132, chapter 35, Laws of 1945 and RCW 50 32 160, amending section 51 52 110, chapter 23, Laws of 1961 and RCW 51 52 110, amending section 17, chapter 390, Laws of 1955 as amended by section 4, chapter 142, Laws of 1959 and RCW 54 16 160, amending section 1, chapter 142, Laws of 1959 and RCW 54 16 165, amending section 32, chapter 210, Laws of 1941 as amended by section 7, chapter 40, Laws of 1965 ex sess and RCW 56 20 080, amending section 13, chapter 114, Laws of 1929 as amended by section 2, chapter 39, Laws of 1965 ex sess and RCW 57 16 090, amending section 49, chapter 231, Laws of 1909 and RCW 58 28 490, amending section 27, chapter 96, Laws of 1891 and RCW 59 12 200, amending section 12, chapter 24, Laws of 1893 as last amended by section 1, chapter 38, Laws of 1969 and RCW 60 04 130, amending section 4, chapter 86, Laws of 1961 and RCW 60 76 040, amending section 7, chapter 33, Laws of 1929 as amended by section 1, chapter 13, Laws of 1931 and RCW 64 08 010, amending section 27, chapter 250, Laws of 1907 and RCW 65 12 175, amending section 6, chapter 127, Laws of 1967 ex sess as amended by section 1, chapter 268, Laws of 1969 ex sess and RCW 71 02 413, amending section 8, chapter 122, Laws of 1967 ex sess and RCW 72 15 080, amending section 72 33 240, chapter 28, Laws of 1959 and RCW 72 33 240, amending section 74 08 080, chapter 26, Laws of 1959 as amended by section 2, chapter 172, Laws of 1969 ex sess and RCW 74 08 080, amending section 74 08 100, chapter 26, Laws of 1959 and RCW 74 08 100, amending section 53, chapter 146, Laws of 1951 and RCW 78 52 500, amending section 125, chapter 255, Laws of 1927 and RCW 79 05 500, amending section 80 04 260, chapter 14, Laws of 1961 and RCW 80 04 260, amending section 80 28 190, chapter 14, Laws of 1961 and RCW 80 28 190, amending section 80 36 240, chapter 14, Laws of 1961 and RCW 80 36 240, amending section 81 04 260, chapter 14, Laws of 1961 and RCW 81 04 260, amending section 81 53 130, chapter 14, Laws of 1961 and RCW 81 53 130, amending section 81 53 170, chapter 14, Laws of 1961 and RCW 81 53 170, amending section 81 68 070, chapter 14, Laws of 1961 and RCW 81 68 070, amending section 81 80 340, chapter 14, Laws of 1961 and RCW 81 80 340, amending section 82 32 180, chapter 15, Laws of 1961 as last amended by section 51, chapter 26, Laws of 1967 ex sess and RCW 82 32 180, amending section 13, chapter 292, Laws of 1961 and RCW 83 24 020, amending section 83 32 150, chapter 15, Laws of 1961 and RCW 83 32 050, amending section 83 56 160, chapter 15, Laws of 1961 and RCW 83 56 160, amending section 84 28 080, chapter 15, Laws of 1961 as amended by section 9, chapter 214, Laws of 1963 and RCW 84 28 080, amending section 84 28 110, chapter 15, Laws of 1961 as amended by section 12, chapter 214, Laws of 1963 and RCW 84 28 110, amending section 84 64 120, chapter 15, Laws of 1961 and RCW 84 64 120, amending section 84 64 400, chapter 15, Laws of 1961 and RCW 84 64 400, amending section 10, chapter

153, Laws of 1915 and RCW 85 05 079; amending section 13, chapter 117, Laws of 1895 as last amended by section 1 chapter 89, Laws of 1913, and RCW 85 05 130, amending section 6, chapter 342, Laws of 1955 and RCW 85 05 470, amending section 13, chapter 115, Laws of 1895 as last amended by section 1, chapter 133, Laws of 1917 and RCW 85 06 130, amending section 3, chapter 170, Laws of 1935 and RCW 85 06 660; amending section 5, chapter 187, Laws of 1971 and RCW 85 06 750; amending section 1, chapter 157, Laws of 1921 and RCW 85 08 440, amending section 14, chapter 184, Laws of 1967 and RCW 85 15 130, amending section 14, chapter 26, Laws of 1949 and RCW 85 16 190; amending section 16, chapter 26, Laws of 1949 and RCW 85 16 210, amending section 15, chapter 45, Laws of 1951 and RCW 85 18 140, amending section 6, chapter 225, Laws of 1909 and RCW 85 24 130, amending section 7, chapter 225, Laws of 1909 and RCW 85 24 140, amending section 21, chapter 131, Laws of 1961 and RCW 85 32 200, amending section 8, chapter 194, Laws of 1933 and RCW 87 03 410, amending section 3, chapter 138, Laws of 1925 ex sess and RCW 87 03 763; amending section 4, chapter 138, Laws of 1925 ex sess and RCW 87 03 765, amending section 11, chapter 120, Laws of 1929 and RCW 87 22 090, amending section 29, chapter 124, Laws of 1925 ex sess and RCW 87 56 225, amending section 7, chapter 236, Laws of 1907 and RCW 88 32 090, amending section 23, chapter 117, Laws of 1917 and RCW 90 03 200, amending section 8, chapter 107, Laws of 1939 and RCW 90 24 070, amending section 20, chapter 11, Laws of 1911 and RCW 91 04 325, amending section 23, chapter 8, Laws of 1909 ex sess as amended by section 24, chapter 11, Laws of 1911 and RCW 91 04 360, amending section 23, chapter 23, Laws of 1911 and RCW 91 08 250, amending section 58, chapter 23, Laws of 1911 and RCW 91 08 580, adding a new section to chapter 221, Laws of 1969 ex sess and chapter 206 RCW, repealing section 17, page 324, Laws of 1890 and RCW 2 04 060, repealing section 5, page 322, Laws of 1890, section 2, chapter 5, Laws of 1905, section 3, chapter 24, Laws of 1909 and RCW 2 04 120, repealing section 2, page 321, Laws of 1890 and RCW 2 04 130, repealing section 6, chapter 24, Laws of 1909 and RCW 2 04 140, repealing section 2174, Code of 1881, section 13, page 324, Laws of 1890 and RCW 2 32 010; repealing section 2, page 366, Laws of 1854, section 2, page 417, Laws of 1863, section 2175, Code of 1881 and RCW 2 32 020, repealing section 3, page 366, Laws of 1854, section 2176, Code of 1881 and RCW 2 32 030, repealing section 4, chapter 57, Laws of 1891 and RCW 2 32 040, repealing section 1, chapter 192, Laws of 1947 and RCW 2 32 080, repealing section 1, page 320, Laws of 1890 and RCW 2 32 100, repealing section 6, page 320, Laws of 1890, section 1, chapter 58, Laws of 1891, section 1, chapter 30, Laws of 1897, section 1, chapter 148, Laws of 1909 and RCW 2 32 150; repealing section 1, page 331, Laws of 1890 and RCW 2 32 340, repealing section 2, page 331, Laws of 1890 and RCW 2 32 350, repealing section 43, page 139, Laws of 1854, section 81, page 18, Laws of 1877, section 81, Code of 1881 and RCW 4.32 190, and declaring an emergency.

Referred to the Judiciary Committee.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 122.

SENATE BILL NO. 123, by Senators Washington, Henry and Peterson (Lowell) (by Joint Committee on Highways request):

An Act relating to counties, and adding a new section to Title 36 RCW

Referred to Committee on Cities, Towns and Counties.

SENATE JOINT RESOLUTION NO. 11, by Senator Lewis:

Providing for a new pattern of succession to fill vacancy in governor's office.

Referred to Committee on Constitution, Elections and Legislative Processes.

SENATE JOINT RESOLUTION NO. 12, by Senators Ridder, Francis, Stortini and Odegaard:

Removing constitutional prohibition against lotteries.

Referred to Judiciary Committee.

There being no objection, the rules were suspended and additional sponsors were added to Senate Joint Resolution No. 12.

SENATE JOINT RESOLUTION NO. 13, by Senators Lewis, Wilson, Washington, Greive, McCutcheon, Guess, Peterson (Lowell), Day, Odegaard and Atwood (by Legislative Council request):

Amending Constitution to authorize legislature to call special session for a specific purpose

Referred to Committee on Constitution, Elections and Legislative Processes.

SENATE JOINT RESOLUTION NO. 14, by Senators Lewis, Wilson, Metcalf, Washington, Greive, Jolly, Guess, Huntley, Peterson (Lowell), Newschwander, Day, Odegaard, Stortin, McCutcheon, Francis and Twigg (by Legislative Council request)

Amending the Constitution to authorize gubernatorial veto of entire sections and any appropriation item or items.

Referred to Committee on Constitution, Elections and Legislative Processes.

#### MOTION

On motion of Senator Lewis, the rules were suspended and additional sponsors were added to Senate Joint Resolutions Nos. 13 and 14

ENGROSSED HOUSE BILL NO. 72, by Representatives Morrison, Newhouse, Hubbard, Adams, Anderson Backstrom, Bagnariol, Bauer, Beck, Blair, Bottiger, Bozarth, Bradley, Brouillet, Brown, Ceccarelli, Charette, Charnley, Chatalas, Conner, Cunningham, Douthwaite, Farr, Gallagher, Grant, Haussler, Hurley, Iastad, Johnson Kilbury, King, Knowles, Kraabe, Litchman, Luders, Lysen, Marsh, Martinis, Marzano, Maxie, May, McCormick, McDermott, Merrill, Moon, North, O'Brien, Paris, Perry Randall, Rosellini, Savage, Sawyer, Shipoch, Smith, Thompson, Van Dyk, Williams and Wojahn (by executive request).

Conforming Washington unemployment compensation law to federal law in regard to certain extended benefits.

Referred to Committee on Labor and Industrial Insurance.

#### MOTION

At 12:18 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Tuesday, January 19, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate

## NINTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, January 19, 1971.

The Senate was called to order at 11 00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Atwood, Gissberg, Metcalf and Newschwander. On motion of Senator Keefe, Senator Gissberg was excused. On motion of Senator McDougall, Senators Atwood, Metcalf and Newschwander were excused.

The Color Guard, consisting of Pages Philis Grecco, Color Bearer and Dave Keene, presented the Colors. Doctor Henry S. Rahn, pastor of the First Baptist Church of Olympia, offered prayer as follows:

"Eternal God, with each new day there come glowing opportunities and grave responsibilities. If this day is full of problems, may it also be full of hope. Help us to carry our responsibilities with valor and with honor. Make us equal to any problem before us and help us to be worthy of Thy confidence. Grant to each of us according to our need and especially the thrill of achievement as the day progresses. Through Christ our Lord, Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## PRESIDENT'S PRIVILEGE

Mr. President: "Honored members of the Senate, ladies and gentlemen, the President should like to call to your attention the presence on the rostrum of Brad Richter of Shelton, Washington. Brad is a young man who, in the past few weeks, went along the roadsides and waysides of this particular community and collected over 3,500 beer bottles. Now this remarkable contribution to the ecology and environment is one that should not go unnoticed, and for this reason we are going to ask Brad to stand and receive your acknowledgment and appreciation."

"Brad, you can't start any younger, you might as well come up here and say a word to the Senators."

Brad Richter: "Thank you."

Mr. President: "Thank you very much, Brad. Those are the two greatest words in the English language, 'thank you'."

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 120, by Senators Lewis Sandison, Henry Odegaard, Gardner, Holman, Knoblauch, Peterson (Lowell), Elicker, McDougall, Atwood, Herr, Peterson (Ted), Huntley, Greive, Canfield, Stender, Taley, Scott, Durkan, Twigg, Dora, Ridder and Washington (by executive request).

An Act relating to unemployment compensation, amending section 8, chapter 35, Laws of 1945 as amended by section 1, chapter 215, Laws of 1951 and RCW 50.04.070, amending section 8, chapter 266, Laws of 1959 and RCW 50.04.072; amending section 9, chapter 35, Laws of 1945 as amended by section 2, chapter 214, Laws of 1949 and RCW 50.04.080; amending section 12, chapter 35, Laws of 1945 and RCW 50.04.110, amending section 13, chapter 35, Laws of 1945 and RCW 50.04.115; amending section 21, chapter 35, Laws of 1945 as last amended by section 1, chapter 8, Laws of 1953 ex. sess. and RCW 50.04.200, amending section 31, chapter 35, Laws of 1945 and RCW 50.04.300, amending section 44, chapter 35, Laws of 1945 as last amended by section 1, chapter 266, Laws of 1959 and RCW 50.12.050; amending section 89, chapter 35, Laws of 1945 as last amended

by section 8, chapter 2, Laws of 1970 ex sess. and RCW 50 24 010; amending section 10, chapter 2, Laws of 1970 ex sess. and RCW 50 29 010, repealing section 20, chapter 35, Laws of 1945 and RCW 50 04 190, adding new sections to chapter 35, Laws of 1945 and to Title 50 RCW, establishing effective dates; and declaring an emergency.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 120.

On motion of Senator Greive, the rules were suspended. Senate Bill No. 120 was advanced to second reading and read the second time in full.

On motion of Senator Lewis, the rules were suspended, Senate Bill No. 120 was advanced to third reading, the second reading considered the third.

Debate ensued.

#### POINT OF INQUIRY

Senator Bailey: "Senator Lewis, I am not rising to oppose this bill. I think it is probably a good bill but I do oppose the fact that we have no copies of the bill in front of us. Does the word 'municipality' include school districts, port districts and all the districts in the state?"

Senator Lewis: "That is correct, Senator Bailey. School districts would be included on an optional basis, the non-certified employees as well as the teachers. But it would have to be negotiated in a contract as is normally done. It would also include port districts."

Senator Bailey: "Senator Lewis, if school teachers are included in this and the negotiations went forward, would there be any retroactive benefits such as you are working for state employees?"

"You would ordinarily have to serve some weeks before you get unemployment compensation. Now what about the unemployed teacher, the unemployed city worker and so forth? What is the provision for the municipalities?"

Senator Lewis: "Senator Bailey, with the state employee, the payments are not retroactive but it is self-insured and they would qualify immediately for the benefit year that they had established."

"For school teachers, for county and city employees, because much of this is done on a contractual basis, their benefit year to qualify would start on the date that the municipality or the contractual agreement specified and included unemployment compensation for that district or city or county."

"State employees today receiving unemployment compensation would have, if he had been employed for a full year qualified for his benefit year as of the date this bill goes into effect. But the school teacher would not have that option, nor would the city or the county or the port district because of the contractual agreement, many of these are labor contracts that are negotiated. I might remind you that labor has insisted that this be on an optional basis because of the difficulties that could be involved. But they would not be included on a retroactive basis."

"From a practical standpoint, there is no way that we could do this. I think that it is obvious that the city should have the option to elect to cover their employees on unemployment compensation if they so elect but there is no way that we could suddenly charge, for example the city of Seattle, for an entire year's retroactive cost for including unemployment compensation for that city. So their benefit year starts on the date that the contract is established or agreed upon and they must establish it from then on out."

Senator Bailey: "Senator Lewis, I have come up here and so have you and promised the cities and the counties no additional obligations unless we will pay for them."

"Now, if we are going to leave this to labor negotiations, is this going to be a factor that is absolutely going to be demanded by labor negotiators in the next contract? Are you leaving it to negotiation or are you just merely saying you are leaving it up to labor to say that this has to be done next year? Now that is just exactly the question I am asking. Aren't you forcing a new obligation on the cities and the counties?"

Senator Lewis: "Senator Bailey, I do not believe that we are forcing anything on the cities and towns. We are saying that it is on an optional basis. The needs and demands on various cities and political subdivisions vary greatly, very greatly. Some cities and counties have extremely stable organizations and probably the employees there would not be at all interested in negotiating or having included in their contract unemployment compensation because of the stability of the employment. In other areas where there may be fluctuations, it would be highly desirable."

"We are not forcing anything on the city, we are not forcing anything on the county, and I feel just as strongly as you do that in the straits that our cities are in, that we must not force these things on them. At the same time I see no reason why a city or county employee should not have the option to negotiate that in a contract if their union or organization so desires."

## PERSONAL PRIVILEGE

Senator Bailey: "Mr. President, as a point of personal privilege, I would just like to make a point that I think hereafter when we consider a bill for final passage that we should have copies of that bill on our desk.

"I am not going to oppose this bill this morning but I understand the mechanical problem the Secretary had. It was just being read in this morning but I think that maybe when the sponsors are interested enough, as you were, Senator Lewis, to raise it yesterday that we should see to it that all the members have informational copies the following day because we just do not know what we are voting on. We hope we are doing exactly what you say and trust we are."

Further debate ensued

## POINT OF INQUIRY

Senator Mardesich: "I would like to agree with what Senator Bailey says, simply because I have had no opportunity to read this bill. Senator Lewis talks about actual cost basis. Does that mean that the state will not be required to pay the usual percentages that other employers pay, and does that mean also that the cities and counties are on the same basis?"

"Could we have some language read that would indicate that and does this bill open up the possibility that teachers who are working under a nine-month contract can draw unemployment compensation for the other three months? Where is the language that assures us that it does not. I do not see it."

Senator Lewis: "Mr. President, I can certainly understand Senator Mardesich's difficulty in not having an opportunity to read the bill. It would probably help if he were here yesterday when we discussed this a little bit in both caucuses. The school teacher will not have the opportunity to draw."

Senator Mardesich: "Senator Lewis, I have been here for the last two days. I did not get any notice of any meeting, unless you called it somewhere outside."

Senator Lewis: "I beg your pardon, Senator Mardesich. I did not see you and I was busy on other things."

"The school teachers will not be able to draw unemployment compensation during the summer months. It says so in the bill. Mrs. Daly, commissioner of the department of employment security, is in the side aisle and I would be glad to get that section for you; if you would like to recess for a minute I could dig that out."

"It is a very technical and long bill. Yes, it is true that the state does not pay ahead as normal employers do. This will be done on a self-insured basis which is frankly cheaper for the state, and that was part of the purpose in doing it this way rather than prepaying as normal private employers like myself do, but they will pay instead just the actual cost of the unemployment costs that they incur through letting people go."

Further debate ensued

## POINT OF INQUIRY

Senator Canfield: "Thank you, Mr. President. Will Senator Lewis yield? Senator, I understand that there is a price tag on this of about a million dollars at the present time, but the optional provisions would open up some entirely new fields and my questions are multiple."

"First, has this been evaluated by the cities people? Has it been evaluated by the county people? Has it been evaluated by the superintendent of public instruction or school district, and what will be the possible cost of this? Are we forcing this upon every local entity? Would unemployed legislators be also entitled to unemployment compensation at the option of the Senate, for instance? What are the ramifications of this measure if it entitled to every public employee upon an optional basis?"

Senator Lewis: "Senator Canfield, as I thought I had answered for Senator Bailey, and it is a complicated bill, I do not believe that we are forcing anything on the cities and counties now. I would certainly have to agree that the option is available to negotiation."

"On the other hand, Senator, at the present time the federal government is requiring us to have unemployment compensation available for hospital employees, for example, . . . state employees . . . and within two years we think that all state employees and probably all political subdivisions will be required to be covered by federal standards."

"So I think that what we are doing will probably end up meeting the total federal package two years ahead of time and the reason for this is because of the dire straits that our state is in today. We passed another unemployment compensation bill through this session a couple of days ago. We did it in a hurry. We did it for the reason that the state and the people in the state are in desperate need and this is the rationale behind this whole bill."

"As far as Senator Mardesich's comments are concerned, if Senator Mardesich would like to make a motion to hold this bill over, I would be very happy to do so and agree to do so if you feel that you would like to give it a little more study. It is important that we have the bill through as rapidly as possible but I certainly want everyone to have an adequate opportunity to read it."

## MOTION

Senator Greive moved that Senate Bill No. 120 be ordered held on the third reading calendar for Wednesday, January 20, 1971.

Debate ensued

## POINT OF INQUIRY

Senator Guess: "Mr. President, while this bill is being held on the third reading calendar for tomorrow, do we have any assurance from Senator Lewis that we are going to get a fiscal note on it? What is the impact in a year of employment or a biennium of employment that we appear to be progressing toward? It would be of no value to us to hold it over unless we are going to have some facts and figures and I do not think we have enough facts and figures now to really draw a judgment on."

Senator Lewis: "Mr. President, we already have a fiscal note in rough form. We do not have it finalized and those were the figures that I gave you of a million and one for the remainder of this biennium and approximately five million is the best estimate that we can get out of the budget committee for the following biennium which would include the full two years."

## POINT OF INQUIRY

Senator Dore: "I wonder if Senator Lewis might yield to a question. Senator, I think you have given us the dollar projections on the amount of money being required to fund this. Could you give us the number of employees that would be involved in order to require this money, the number of unemployed state employees? Both through this remaining five months and also the next biennium?"

Senator Lewis: "Senator Dore, all I have is the fiscal note and they have done the research on it. I can ask them to get those figures for you tomorrow, if you would like."

The motion by Senator Greive carried and Senate Bill No. 120 was ordered held on the third reading calendar for Wednesday, January 20, 1971.

SENATE BILL NO. 124, by Senators Atwood and Durkan (by departmental request)

An Act relating to the disposition of vehicle license fees; disposition of motor vehicle driver's license fees, abolishing the state patrol highway account and providing for disposition of funds therein and moneys payable thereto, amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 25, chapter 281, Laws of 1969 ex. sess. and RCW 46.68.030; amending section 4, chapter 25, Laws of 1965 as last amended by section 9, chapter 99, Laws of 1969 and RCW 46.68.041; creating a new section, and providing an effective date.

Referred to Committee on Ways and Means—Appropriations.

SENATE BILL NO. 125, by Senators Odegaard, Lewis and Talley (by departmental request):

An Act relating to work release programs; and amending section 13, chapter 17, Laws of 1967 and RCW 72.65.130

Referred to Committee on Public Institutions

SENATE BILL NO. 126, by Senator Dore:

An Act relating to nonprofit corporations; amending section 3, chapter 235, Laws of 1967 and RCW 24.03.010, and adding a new section to chapter 235, Laws of 1967 and to chapter 24.03 RCW

Referred to Judiciary Committee.

SENATE BILL NO. 127, by Senators Dore and Donohue

An Act relating to juries; amending section 4, chapter 48, Laws of 1891, and RCW 2.36.050; amending section 1, chapter 43, Laws of 1903 as last amended by section 2, chapter 304, Laws of 1961 and RCW 4.44.100, amending section 185, page 164, Laws of 1854 as last amended by section 206, Code of 1881 and RCW 4.44.120, amending section 1, chapter 36, Laws of 1895 and RCW 4.44.380 and amending section 36.18.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 32, Laws of 1970 ex. sess. and RCW 36.18.020



Referred to Judiciary Committee

SENATE BILL NO. 128, by Senators Ridder, Peterson (Ted) and Washington

An Act relating to adoption, and adding new sections to chapter 291, Laws of 1955 and to chapter 26.32 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 129, by Senators Ridder, Stender and Cooney

An Act relating to education, amending section 28A.58.100, chapter 223, Laws of 1969 ex. sess. as amended by section 27, chapter 283, Laws of 1969 ex. sess. and RCW 28A.58.100; and providing an effective date.

Referred to Committee on Education.

SENATE BILL NO. 130, by Senators McDougall, Matson and Talley:

An Act relating to cities and towns, authorizing parking and business improvements; authorizing special assessments therefor, and adding new sections to Title 35 RCW

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 131, by Senators Day, Keefe and Peterson (Ted) (by Legislative Council request):

An Act relating to enrichment of flour used in baking, amending section 1, chapter 192, Laws of 1945 and RCW 69.08.010; and adding a new section

Referred to Committee on Agriculture and Horticulture

SENATE BILL NO. 132, by Senators Foley, Atwood and Canfield (by Legislative Budget Committee request):

An Act relating to school district funds, and amending section 28A.58.440, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.440

Referred to Committee on Ways and Means—Appropriations.

SENATE BILL NO. 133, by Senators Foley, Newschwander, Andersen and Canfield (by Legislative Budget Committee request):

An Act relating to community colleges and the administration thereof; amending section 28B.50.090, chapter 223, Laws of 1969 ex. sess. as amended by section 21, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.090, amending section 17, chapter 15, Laws of 1970 ex. sess. and RCW 28B.50.140, and making an effective date.

Referred to Committee on Higher Education and Libraries

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 133

SENATE BILL NO. 134, by Senators Atwood, Foley and Canfield (by Legislative Budget Committee request):

An Act relating to education, and amending section 17, chapter 15, Laws of 1970 ex. sess. and RCW 28B.50.140

Referred to Committee on Higher Education and Libraries.

SENATE CONCURRENT RESOLUTION NO. 2, by Senators Atwood, Foley and Canfield (by Legislative Budget Committee request):

Providing for a study of a single distribution method for funds for the common schools

Referred to Committee on Education

SENATE CONCURRENT RESOLUTION NO. 3, by Senators Mardesich, Atwood and Foley (by Legislative Budget Committee request):

Authorizing a study of community college funds

Referred to Committee on Higher Education and Libraries.

## MOTION

At 11:47 a.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Wednesday, January 20, 1971.

JOHN A. CHERBERG, President of the Senate.  
SIDNEY R. SNYDER, Secretary of the Senate.

## TENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, January 20, 1971

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Andersen. On motion of Senator McDougal, Senator Andersen was excused.

The Color Guard, consisting of Pages David de Souza, Color Bearer, and Les Matson, presented the Colors. Reverend Maurice L. Hashlen, pastor of United Churches of Olympia, offered prayer as follows:

"Almighty God, Thou Father of us all, we pause to thank Thee for another day in which to serve Thee through serving our fellow men. We pray for a freshness of spirit that will renew our faith and enlighten our hopes. May Thy abiding Presence in our hearts serve to create new confidence so that those who work together here might be able to differ without being difficult and to be frank without being offensive. Through Thy Grace give them courage to make the hard choices that lie ahead in this legislative session. To this end do Thou bless us all and make us a blessing to our fellow men. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## MOTIONS

On motion of Senator Fleming, the rules were suspended and the Senate advanced to the sixth order of business.

Senator Fleming moved that the Judiciary Committee be relieved of further consideration of Senate Bill No. 59 and Senate Bill No. 79.

Senator Fleming moved that Senate Bill No. 59 and Senate Bill No. 79 be referred to the Committee on Public Pensions and Social Security.

Debate ensued

## POINT OF ORDER

Senator Greive: "Under Rule 12 we are not under the proper order of business at this time. If anything we would be under the first order of business that should be committee reports. The sixth order of business is the proper order of business for transfer of one bill from one committee to another."

## REPLY BY THE PRESIDENT

The President. "Senator Greive, your point is well taken. However, the President in the interest of expediting the business had suggested to Senator Fleming that he make the motion at this time. These two particular bills relate to pension matters and the President had inadvertently referred them to the Judiciary Committee."

Debate ensued.

The motion by Senator Fleming carried on a rising vote. Senate Bill No. 59 and Senate Bill No. 79 were referred to the Committee on Public Pensions and Social Security.

## REPORTS OF STANDING COMMITTEES

January 19, 1971

SENATE BILL NO. 46, permitting school districts to lease school buses under certain emergency circumstances (reported by Committee on Education).

MAJORITY recommendation: Do pass

Signed by: Senators Francis, Chairman; Fleming, Gardner, McCutcheon, Metcalf, Murray, Odegaard, Peterson (Ted), Rudder, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading

January 20, 1971

SENATE BILL NO. 62, providing that a personal representative may recover damages for decedent's pain and suffering (reported by Judiciary Committee).

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Francis, Holman, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading

January 20, 1971.

SENATE BILL NO. 63, providing for autopsy in all cases where decedent died in jail or prison (reported by Judiciary Committee).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Atwood, Clarke, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading

January 19, 1971

SENATE BILL NO. 103, providing certain health measures relating to common schools (reported by Committee on Education).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Odegaard, Peterson (Ted), Rudder, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

## MESSAGE FROM THE HOUSE

January 19, 1971

Mr. President. The House has passed.

HOUSE JOINT MEMORIAL NO. 1.

HOUSE JOINT MEMORIAL NO. 4.

and the same are herewith transmitted. MALCOLM McBEATH Chief Clerk

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 135, by Senators Wilson, Canfield and Donohue.

An Act relating to livestock, establishing an assessment on slaughtered meat food animals to support the livestock diagnostic service program, and adding new sections to chapter 100, Laws of 1969 and to chapter 16.38 RCW.

Referred to Committee on Agriculture and Horticulture

SENATE BILL NO. 136, by Senators Henry and Huntley:

An Act relating to emergency vehicle equipment, amending section 46.37 190, chapter 12, Laws of 1961 as last amended by section 5, chapter 100, Laws of 1970 ex sess. and

RCW 46.37.190, amending section 46.37.187, chapter 12, Laws of 1961 and RCW 46.37.187 and repealing section 46.37.185, chapter 12, Laws of 1961 and RCW 46.37.185  
Referred to Committee on Highways.

SENATE BILL NO. 137, by Senators Fleming, Andersen and Stortini (by departmental request):

An Act relating to the state treasurer, making a change in the law relating to lost instruments, and amending section 43.08.066, chapter 8, Laws of 1965 as amended by section 2, chapter 61, Law of 1965 ex. sess. and RCW 43.08.066

Referred to Committee on Public Institutions.

SENATE BILL NO. 138, by Senators Whetzel, Francis and Murray.

An Act relating to the state highway commission, and authorizing snow removal at parking areas adjacent to public recreation lands

Referred to Committee on Highways.

SENATE BILL NO. 139, by Senators Mardesich, Waigren and Whetzel (by Legislative Council request):

An Act relating to counties, amending section 1, chapter 72, Laws of 1967 and RCW 36.94.010, amending section 5, chapter 72, Laws of 1967 and RCW 36.94.050, amending section 6, chapter 72, Laws of 1967 and RCW 36.94.060, amending section 7, chapter 72, Laws of 1967 and RCW 36.94.070; amending section 10, chapter 72, Laws of 1967 and RCW 36.94.100, amending section 12, chapter 72, Laws of 1967 and RCW 36.94.120, amending section 17, chapter 72, Laws of 1967 and RCW 36.94.170, amending section 18, chapter 72, Laws of 1967 and RCW 36.94.180, amending section 22, chapter 72, Laws of 1967 and RCW 36.94.220, amending section 23, chapter 72, Laws of 1967 and RCW 36.94.230, amending section 24, chapter 72, Laws of 1967 and RCW 36.94.240, creating new sections, and declaring an emergency.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 140, by Senators Stortini, Washington, Ridder and Donohue:

An Act relating to infants, and amending sections 1, 3, and 4, chapter 126, Laws of 1895 as last amended by section 1, chapter 17, Laws of 1919 and RCW 26.28.080

Referred to Judiciary Committee

There being no objection, the rules were suspended and additional sponsors were permitted on Senate Bill No. 140

SENATE BILL NO. 141, by Senators Huntley, Peterson (Lowell) and Talley:

An Act relating to firearms; and amending section 1, page 67, Laws of 1883 as amended by section 308, chapter 249, Laws of 1909 and RCW 9A.12.40.

Referred to Judiciary Committee

SENATE BILL NO. 142, by Senators Murray, Talley and Peterson (Ted)

An Act relating to fisheries; amending section 75.16.010 chapter 12, Laws of 1955 and RCW 75.16.010; and adding new sections to Title 75 RCW.

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO. 143, by Senators Guess, Washington and Donohue (by departmental request):

An Act relating to state highway construction, and amending section 47.28.060, chapter 13, Laws of 1961 as amended by section 1, chapter 64, Laws of 1965 ex. sess. and RCW 47.38.060.

Referred to Committee on Highways.

SENATE BILL NO. 144, by Senators Washington, Henry and Huntley (by departmental request):

An Act relating to the acquisition of property by public agencies, amending section 1,

chapter 34, Laws of 1969 and RCW 84 36 010; amending section 84 60 050, chapter 15, Laws of 1961 as amended by section 36, chapter 145 Laws of 1967 ex sess and RCW 84 60 050, amending section 84 60 070, chapter 15, Laws of 1961 and RCW 84 60 070, and repealing section 84 60 060 chapter 15, Laws of 1961 section 37, chapter 145, Laws of 1967 ex. sess. and RCW 84 60 060

Referred to Committee on Highways.

SENATE BILL NO 145, by Senators Peterson (Ted), Knoblauch and Wilson (by departmental request):

An Act relating to veterans' affairs, and providing certain powers and duties to the secretary of the department of social and health services.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs

SENATE BILL NO 146, by Senators Holman, Day and Metcalf (by Uniform Law Commission request):

An Act relating to controlled substances, enacting the Uniform Controlled Substance Act; repealing section 2072, Code of 1881, section 418 chapter 249, Laws of 1909, section 4 chapter 205, Laws of 1963, and RCW 9 91 030, repealing section 69 33 220, chapter 27, Laws of 1959, section 7, chapter 256, Laws of 1969 ex sess and RCW 69 33 220, repealing sections 69 33 230 through 69 33 280, chapter 27 Laws of 1959 and RCW 69 33 230 through 69 33 280, repealing section 69 33 290 chapter 27, Laws of 1959, section 1, chapter 97, Laws of 1959 and RCW 69 33 290, repealing section 69 33 300, chapter 27, Laws of 1959 section 8, chapter 256, Laws of 1969 ex sess and RCW 69 33 300, repealing sections 69 33 310 through 69 33 400, chapter 27, Laws of 1959 and RCW 69 33 310 through 69 33 400, repealing section 69 33 410, chapter 27, Laws of 1959, section 20, chapter 38, Laws of 1963 and RCW 69 33 410, repealing sections 69 33 420 through 69 33 440, 69 33 900 through 69 33 950, chapter 27, Laws of 1959 and RCW 69 33 420 through 69 33 440, 69 33 900 through 69 33 950; repealing section 255, chapter 249, Laws of 1909 and RCW 69 40 040, repealing section 1 chapter 6, Laws of 1939, section 1, chapter 29, Laws of 1939 section 1 chapter 57, Laws of 1945, section 1 chapter 24, Laws of 1955, section 1, chapter 49, Laws of 1961, section 1, chapter 71, Laws of 1967, section 9, chapter 256, Laws of 1969 ex sess and RCW 69 40 060 repealing section 1, chapter 23, Laws of 1955, section 2, chapter 49, Laws of 1961, section 2, chapter 71, Laws of 1967 and RCW 69 40 061, repealing section 21, chapter 38, Laws of 1963 and RCW 69 40 063, repealing section 22, chapter 38, Laws of 1963, section 3, chapter 71, Laws of 1967 and RCW 69 40 064, repealing section 2, chapter 33, Laws of 1970 ex sess and RCW 69 40 065, repealing section 2, chapter 6, Laws of 1939, section 23, chapter 38, Laws of 1963, section 10, chapter 256, Laws of 1969 ex sess and RCW 69 40 070 repealing section 12, chapter 256, Laws of 1969 ex sess and RCW 69 40 075, repealing section 1, chapter 205, Laws of 1963 and RCW 69 40 080, repealing section 2, chapter 205 Laws of 1963 and RCW 69 40 090, repealing section 3, chapter 205 Laws of 1963 and RCW 69 40 100, repealing section 11, chapter 256, Laws of 1969 ex sess and RCW 69 40 110, repealing section 1, chapter 33, Laws of 1970 ex sess and RCW 69 40 120 repealing section 1, chapter 80 Laws of 1970 ex sess, adding new chapter 69 50 RCW to Title 69 RCW; defining crimes, prescribing penalties, declaring an emergency, and prescribing an effective date

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO. 147, by Senators Talley, Bailey and Connor:

An Act relating to harbor areas, and amending section 130, chapter 255, Laws of 1927 as amended by section 3, chapter 97, Laws of 1969 ex sess and RCW 79 01 520

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 148, by Senators Woodall, Matson and Francis:

An Act relating to cities and towns, including the annexation of school property thereto, amending section 35 13 125, chapter 7, Laws of 1965 as amended by section 10 chapter 88, Laws of 1965 ex sess and RCW 35 13 125; amending section 35 13.130,

chapter 7, Laws of 1965 as amended by section 11, chapter 88, Laws of 1965 ex sess. and RCW 35.13.130, adding a new section to chapter 223, Laws of 1969 ex sess. and to chapter 28A.58 RCW; and declaring an emergency.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 149, by Senators Talley, Connor and Peterson (Ted).

An Act relating to port districts, and amending section 4, chapter 31, Laws of 1961 as amended by section 3, chapter 47, Laws of 1970 ex. sess. and RCW 53.06.040.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 150, by Senators Holman and Foley (by State Finance Committee request).

An Act relating to general obligation bonds to finance acquisition and development of outdoor recreational areas and facilities, amending section 6, chapter 126, Laws of 1967 ex. sess. and RCW 43.99A.060, and declaring an emergency.

Referred to Committee on Ways and Means—Appropriations.

SENATE BILL NO. 151, by Senators Holman and Foley (by State Finance Committee request).

An Act relating to the common schools and the support thereof, amending section 1, chapter 13, Laws of 1969 and RCW 28A.47.792, amending section 4, chapter 13, Laws of 1969 and RCW 28A.47.795, amending section 5, chapter 13, Laws of 1969 and RCW 28A.47.796, and declaring an emergency.

Referred to Committee on Ways and Means—Appropriations.

SENATE BILL NO. 152, by Senators Fleming, Whetzel, Ridder and Dore.

An Act relating to child care centers, creating new sections, making an appropriation, and declaring an emergency.

Referred to Committee on Public Institutions.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 152.

SENATE BILL NO. 153, by Senators Odegaard, Francis and Woodall (by departmental request).

An Act relating to crimes and punishments; and amending section 4, chapter 42, Laws of 1955 and RCW 9A.06.03.

Referred to Judiciary Committee.

SENATE JOINT MEMORIAL NO. 1, by Senators Peterson (Ted), Talley, Bailey, Metcalf, Durkan, Stender, Peterson (Lowell), Ellicker, Dore, Ridder, Lewis, Murray, Knoblauch, Connor, Odegaard, Stortini, Donohue, Gardner, Fleming, Francis, Sandison, Greve, Matson, Twigg, Andersen, Woodall, Guess, McDougal, Scott, Atwood and Washington:

Requesting the United States government to extend the fisheries' jurisdiction of its coastline.

## MOTIONS

On motion of Senator Peterson (Ted), the rules were suspended and additional sponsors were added to Senate Joint Memorial No. 1.

On motion of Senator Peterson (Ted), the rules were suspended, Senate Joint Memorial No. 1 was advanced to second reading and read the second time in full.

On motion of Senator Peterson (Ted), the rules were suspended, Senate Joint Memorial No. 1 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

## PERSONAL PRIVILEGE

Senator Bailey: "Mr. President, I am not going to oppose Senator Peterson. I am one of the prime sponsors on the resolution but I am going to raise the same objection I did yesterday and that is that we have no copies of this memorial on our desks. We are voting on what we might have picked up in the words that the Secretary read and I will not oppose it today, Senator, but from here on I am going to oppose everything that is not on our desks that we can read."

"Now if you had wished to consult the other sponsors that this was going to be boosted today, it would be fine but I had a call from a Seattle newspaper whether or not it was true that this was coming up today. The press release had already been made."

"From here on, if you want two-thirds to boost these bills, you had better start clearing it with the majority leadership."

## MOTION

Senator Mardesich moved that Senate Joint Memorial No. 1 be referred to the Committee on Natural Resources, Fisheries and Game.

Debate ensued.

## POINT OF INQUIRY

Senator Mardesich: "Could you tell me what the position of the state department is with respect to this proposal as it is drafted?"

Senator Peterson (Lowell): "As far as the position, I do not believe the state department has made an official position relative to this. I am sure that in negotiations there is no policy statement, to my knowledge."

Senator Mardesich: "That is one question I would like answered before I act. Secondly, what is the position of our federal department of fish and wildlife on this matter?"

Senator Peterson (Lowell): "There again I think Senator, that these are being negotiated and all this resolution would do would merely be to use as a tool in negotiations."

Further debate ensued.

The motion by Senator Mardesich failed. Senate Joint Memorial No. 1 was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 1, and the memorial passed the Senate by the following vote. Yeas, 45, nays, 1; absent or not voting, 2, excused, 1.

Voting yeas: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortin, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Voting nays: Senator Mardesich—1.

Absent or not voting: Senators Durkan, Stender—2.

Excused: Senator Andersen—1.

SENATE JOINT MEMORIAL NO. 1, having received the constitutional majority, was declared passed.

SENATE JOINT RESOLUTION NO. 15, by Senators Woodall, Twigg, Greive and Cooney (by Legislative Council request):

Amending the Constitution to allow supreme court to temporarily fill vacancies in court of appeals.

Referred to Judiciary Committee.

There being no objection, the rules were suspended and additional sponsors were added to Senate Joint Resolution No. 15.

HOUSE JOINT MEMORIAL NO. 1, by Representatives O'Brien, Coperland, Bledsoe,



Amen, Anderson, Bagnaniol, Benitz, Blair, Bluechel, Bradley, Brown, Ceccarelli, Chamley, Chatalas, Conway, Costanti, Cunningham, Curtis, Douthwaite, Eikenberry, Farr, Flanagan, Gilleland, Gladder, Hansey, Harris, Hatfield, Haussler, Hoggins, Hurley, Johnson, Jones, Julin, King, Kirk, Kiskaddon, Knowles, Kopet, Kraabel, Kuehnle, Litchman, Ludders, Lynch, Lysen, Marsh, Marzano, McDermott, Merrill, Morrison, Newhouse, North, Pardini, Paris, Polk, Rabel, Randal, Rosellini, Ross, Savage, Schumaker, Shera, Shupoch, Smith, Smythe, Van Dyk, Wanamaker, Williams, Wolf and Zimmerman (by Legislative Council request):

Providing for revenue sharing with the states.

Referred to Committee on Ways and Means—Revenue and Taxation.

HOUSE JOINT MEMORIAL NO. 4, by Representatives Pardini, Kuehnle, May, Flanagan, Bluechel, Kopet, Barden, Ceccarelli, Charette, Kiskaddon, Paris, Zimmerman, Hubbard, Shera, Hatfield, Eikenberry, Kraabel, Brown, Conway, Amen, Kirk, Hoggins, Goldsworthy, Gladder, Mentor, Wanamaker, Juelling, Bledsoe, Bagnario, Williams, Wojahn, Litchman, Rosellini, Merrill, Bauer, Randall, Douthwaite, Martinis, Anderson, Bozarth, King, Jastad, Adams, Lysen, Backstrom, Thompson, Brouhiet, McCormick, Moon, Perry, Johnson, Ross, Bradley, Conner, Benitz, Schumaker, Hansey, Farr, Constanti, Blair, Rabel, Polk, Julin, Cunningham, Curtis, Lynch, Harris, Smith, Jones, Smythe, Gilleland, North, Chatalas, O'Brien, Shupoch, Van Dyk, McDermott, Charnley, Knowles, Ludders, Savage, Maxie, Gallagher, Haussler, Bottiger, Sawyer, Hurley, Grant, Marzano, Marsh, Kilbury, Beck, Morrison, Newhouse, Swayze, Spanton, Wolf, Berentson and Copeland

Memorializing Congress concerning U.S. prisoners of war in Vietnam.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs

### MOTIONS

On motion of Senator Jolly, the Committee on Agriculture and Horticulture was relieved of further consideration of Senate Bill No. 131

On motion of Senator Jolly, Senate Bill No. 131 was referred to the Committee on Medicine, Dentistry, Health Care, Air and Water Pollution.

### PERSONAL PRIVILEGE

Senator Woodall: "I feel that this body should only on rare occasions depart from the regular order of business. This morning, we are now at the proper order of business for you to transfer bills from one committee to the other. I was off the floor during the first order of business and only because of Senator Atwood locating me would I have even known that a bill of which I was prime sponsor was being moved from one committee to another.

"It would be my hope in the future that certainly we would not change the order in which we make these particular motions. If we do, certainly we would not do it when the prime sponsor of a bill is off the floor."

Senator Washington: "I think it should be pointed out to Senator Woodall that Senator Fleming did have it called to his attention and that Senator Woodall was off the floor and we were in the process of having it held up until you could come back. You came on to the floor just at that time but a courtesy was going to be extended and we would not have proceeded to vote if you had not been here."

Senator Greive: "I want to point out to Senator Woodall that I raised the very motion that he suggested. That was my first motion and when it was made I said it was not under the proper order of business and we proceeded after the body was apprised of that, the rules had been suspended."

### THIRD READING

SENATE BILL NO. 120, by Senators Lewis, Sandison, Henry, Odegaard, Gardner, Holman, Knoblauch, Peterson (Lowell), Ellicker, McDougall, Atwood, Herr, Peterson (Ted), Huntley, Greive, Canfield, Stender, Talley, Scott, Durkan, Twigg, Dore, Ridder and Washington (by executive request):

Conforming Washington unemployment compensation law to federal law generally.

## MOTIONS

On motion of Senator Greive, Senate Bill No. 120 was ordered to hold its place on the third reading calendar until such time as it is called by the chairman of the committee, Senator Stortini.

At 11.55 p.m., on motion of Senator Greive, the Senate adjourned until 11.00 a.m. Thursday, January 21, 1971

JOHN A. CHERBERG, President of the Senate  
SIDNEY R. SNYDER, Secretary of the Senate,

## ELEVENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, January 21, 1971.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Whetzel. On motion of Senator McDougall, Senator Whetzel was excused.

The Color Guard, consisting of Pages Ted Gilyard, Color Bearer, and LeAnne Laine presented the Colors. Doctor Henry S. Rahn, pastor of the First Baptist Church of Olympia, offered prayer as follows:

"Eternal God our Father, we rejoice in Thee and in Thy constant love which brings us the recurring blessing of another day and another opportunity to make an investment of ourselves in the future of this state. We rejoice in Thy abiding purpose through which all things work together for ultimate good. Grant us the vision that inspires endeavor and a strength that endures. Look upon us with Thy compassion and help us to share that compassion with each other. Through Christ our Lord. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

January 21, 1971.

SENATE BILL NO. 114, providing that a state medical aid lien bears proportionate share of attorney's fees when satisfied by recipients independent action (reported by Judiciary Committee)

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Dora, Vice Chairman, Andersen, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading

January 21, 1971

SENATE CONCURRENT RESOLUTION NO. 3, authorizing a study of community college funds (reported by Committee on Higher Education and Libraries)

MAJORITY recommendation: Do pass.

Signed by Senators Sandison, Chairman, Atwood, Durkan, Francis, Gardner, Guess, Huntley, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 154, by Senators Holman, Dore and Gissberg.

An Act relating to revenue and taxation, amending section 84 56 020, chapter 15, Laws of 1961 as amended by section 3, chapter 216, Laws of 1969 ex. sess. and RCW 84 56 020

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 155, by Senators Guess, Huntley and Washington (by Joint Committee on Highways request).

An Act relating to records and documents, limiting the authority of the department of motor vehicles to release information, amending section 46 52 120, chapter 12, Laws of 1961 as amended by section 62, chapter 32, Laws of 1967 and RCW 46 52 120, repealing section 46 08 110, chapter 12, Laws of 1961, section 3, chapter 32, Laws of 1967 and RCW 46 01 250, adding new sections to chapter 12, Laws of 1961 and to Title 46 RCW, and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 156, by Senators Guess, Donohue, McDougall and Peterson (Lowell)

An Act relating to self-propelled vehicles; creating new sections, prescribing penalties; and making appropriations

Referred to Committee on Commerce and Regulatory Agencies

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 156.

SENATE BILL NO. 157, by Senators Talley, Knoblauch and Whetzel (by departmental request):

An Act relating to the mentally ill amending section 71 02 130, chapter 25, Laws of 1959 as amended by section 10, chapter 196, Laws of 1959 and RCW 71 02 130; amending section 72 23 230, chapter 28, Laws of 1959 as amended by section 1, chapter 60, Laws of 1959 and RCW 72 23 230; and declaring an emergency.

Referred to Committee on Public Institutions.

SENATE BILL NO. 158 by Senators Ridder, Peterson (Ted) and Knoblauch (by Joint Committee on Education request).

An Act relating to education, amending section 5, chapter 15, Laws of 1970 ex. sess. and RCW 28A 48 010; and prescribing an effective date.

Referred to Committee on Education.

SENATE BILL NO. 159, by Senators Francis, Peterson (Ted), Ridder and Fleming (by Joint Committee on Education request):

An Act relating to education; amending section 28A.41 055, chapter 223, Laws of 1969 ex. sess. and RCW 28A.41 055, and amending section 28A 65 040, chapter 223, Laws of 1969 ex. sess. as amended by section 23, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65 040

Referred to Committee on Education.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 159

SENATE BILL NO. 160, by Senators Wilson, Peterson (Ted) and Odegaard:

An Act relating to the state board of education, and amending section 28A 04 060, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 283, Laws of 1969 ex. sess. and RCW 28A 04 060.

Referred to Committee on Education.

SENATE BILL NO 161, by Senators Taley, Mardesich and Lewis.

An Act relating to harbor lines; and amending section 1, chapter 139, Laws of 1963 (uncodified), as amended by section 1, chapter 24, Laws of 1967 ex sess (uncodified).

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO 162, by Senators Canfield, Wilson, Jolly, McDonagall, Matson and Henry

An Act relating to collective bargaining between employees and boards of irrigation districts, and creating a new chapter in Title 87 RCW

Referred to Committee on Labor and Industrial Insurance

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No 162.

SENATE BILL NO 163, by Senators Day, Woodall and Greive (by Joint Committee on Governmental Cooperation request)

An Act relating to intoxicating liquor; amending section 7, chapter 62, Laws of 1933 ex. sess. as amended by section 1, chapter 111, Laws of 1959 and RCW 66 16 040, amending section 1, chapter 67, Laws of 1949 as amended by section 4, chapter 11, Laws of 1959 and RCW 66 20 160, amending section 2, chapter 67, Laws of 1949 as amended by section 5, chapter 111, Laws of 1959 and RCW 66 20 170, amending section 3, chapter 67, Laws of 1949 as amended by section 6, chapter 111, Laws of 1959 and RCW 66 20 180, amending section 4, chapter 67, Laws of 1949 as amended by section 7, chapter 111, Laws of 1959 and RCW 66 20 190, amending section 5, chapter 67, Laws of 1949 as last amended by section 2, chapter 178, Laws of 1969 ex sess and RCW 66 20 200, amending section 6, chapter 67, Laws of 1949 as amended by section 9, chapter 111, Laws of 1959 and RCW 66 20 210, prescribing penalties, and providing an effective date

Referred to Committee on State Government

SENATE BILL NO 164, by Senator Bailey:

An Act relating to counties, amending section 1, chapter 94, Laws of 1967 and RCW 36 88 410, amending section 3, chapter 194, Laws of 1967 and RCW 36 88 430, and amending section 4, chapter 194, Laws of 1967 and RCW 36 88 440

#### MOTION

Senator Bailey moved that Senate Bill No 164 be referred to the Committee on Cities, Towns and Counties

Debate ensued

#### POINT OF INQUIRY

Senator Mardesich: "Does this bill provide or pertain to the utility function which is a regulatory agency and which has historically come into the regulatory agency committee? I did not realize that you had prepared such a bill. I am having one drafted, which I intended to have directed into my committee."

Senator Bailey: "Mr. President, if Senator Mardesich will assure me that it comes out from underground and gets on the surface, I will leave it in his committee. This deals with underground wiring and relates to the organization of county districts to take care of underground wiring if they want to. It does not pertain to the rates."

Senator Mardesich: "Senator Bailey, you have my complete assurance. I only hope you have drawn a bill that is strong enough."

There being no objection, Senator Bailey withdrew his motion. Senate Bill No 164 was referred to the Committee on Commerce and Regulatory Agencies

SENATE BILL NO. 165, by Senators Day, Woodall and Greive (by Joint Committee on Governmental Cooperation request)

An Act relating to alcoholic beverage control, and amending section 89, chapter 62, Laws of 1933 ex. sess. and RCW 66 16 090

Referred to Committee on State Government.

SENATE BILL NO. 166, by Senators Day, Woodal and Greive (by Joint Committee on Governmental Cooperation request).

An Act relating to intoxicating liquor, and amending section 27A added to chapter 62, Laws of 1933 ex. sess. by section 3 chapter 217, Laws of 1937 as last amended by section 8, chapter 178, Laws of 1969 ex. sess. and RCW 66 28.080.

Referred to Committee on State Government

SENATE BILL NO. 167, by Senators Holman, Dore and Whetzel (by Secretary of State request):

An Act relating to government; creating the office of ombudsman, adding a new chapter to Title 43 RCW; and creating new sections

Referred to Committee on State Government

SENATE BILL NO. 168, by Senators Wilson, Stender, Talley and Francis

An Act relating to education, and school district budgets relating thereto, amending section 28A 65 080, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 119, Laws of 1969 ex. sess. and RCW 28A 65 080, and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A 65 RCW

Referred to Committee on Education.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 168

SENATE BILL NO. 169, by Senators Bailey, Peterson (Ted) and Gissberg

An Act relating to the Washington state teachers' retirement system, amending section 1, chapter 35, Laws of 1970 ex. sess. and RCW 41 32 4932, amending section 7, chapter 35, Laws of 1970 ex. sess. and RCW 41.32.4943, adding substantive sections; making appropriations; and making an effective date

Referred to Committee on Public Pensions and Social Security.

SENATE BILL NO. 170, by Senators Ridder, Peterson (Ted) and Foley (by departmental request):

An Act relating to hotels and motels; providing for the licensing and regulation of hotels and motels by the state department of social and health services, providing for licensure fees; amending section 43 22 050, chapter 8, Laws of 1965 and RCW 43 22 050; repealing section 43 22 060, chapter 8, Laws of 1965 and RCW 43 22 060, repealing section 43 22 070, chapter 8, Laws of 1965 and RCW 43 22 070; repealing section 43.22.080, chapter 8, Laws of 1965 and RCW 43 22 080, repealing section 43.22.090, chapter 8, Laws of 1965 and RCW 43 22 090; repealing section 43 22.100, chapter 8, Laws of 1965 and RCW 43 22.100, repealing section 43 22 110, chapter 8, Laws of 1965 and RCW 43.22 110, repealing sections 1 through 6, chapter 169, Laws of 1915, sections 1 through 11, chapter 29, Laws of 1909, sections 1 and 2, chapter 48, Laws of 1905 and RCW 70 62.010 through 70 62 130; creating new sections; and prescribing penalties.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 171, by Senators Durkan and Sandison

An Act relating to the expenses and costs of the legislature including subsistence payments and expenses of members, making appropriations, and declaring an emergency

#### MOTION

On motion of Senator Durkan, the rules were suspended, Senate Bill No. 171 was advanced to second reading and read the second time in full

On motion of Senator Gissberg, the Senate resolved itself into a Committee of the Whole, Senator Keefe in the Chair, for the purpose of considering Senate Bill No. 171.

## COMMITTEE OF THE WHOLE

Senate Bill No. 171 was considered in the Committee of the Whole and reported back to the Senate, Senator Henry presiding with the recommendation that it do pass

On motion of Senator Greive, the report of the committee was adopted

On motion of Senator Durkan, the reading had in the Committee of the Whole was considered the second reading of Senate Bill No. 171.

On motion of Senator Greive, the rules were suspended, Senate Bill No. 171 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 171, and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; excused, 1.

Voting yeas: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odgaard, Peterson (Lowell), Ridder, Sandison, Stender, Storm, Talley, Twigg, Walgren, Washington, Wilson, Woodall- 33.

Voting nays: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott- 15

Excused: Senator Whetzel- 1.

SENATE BILL NO. 171, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Durkan, the rules were suspended and Senate Bill No. 171 was ordered immediately transmitted to the House.

On motion of Senator Francis, the rules were suspended and the names of Senators Scott, Ridder, Murray, Gardner and Greive were added as additional sponsors to Senate Joint Resolution No. 7.

At 12:00 noon, on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Friday, January 22, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate

## TWELFTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, January 22, 1971

The Senate was called to order at 11 00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Cooney, Dore, Durkan, Gissberg and Wilson. On motion of Senator Keefe Senators Cooney and Gissberg were excused. On motion of Senator Peterson (Lowell), Senators Dore and Durkan were excused. On motion of Senator Badley, Senator Wilson was excused.

The Color Guard, consisting of Pages Ted Gilyard, Color Bearer, and Men Beth Kolez presented the Colors. Doctor Henry S. Rahn, pastor of The First Baptist Church of Olympia, offered prayer as follows:

"Eternal God, our Father, Glory belongeth to Thee, majesty is Thine and greatness past our finding out. Yet Thou hast not hidden Thyself from those who truly seek Thee. Hear us as we come in prayer to Thee, hallow every moment of this day. Let not the pressure of life with its countless claims, find us unready. Garrison our spirits with quietness and trust. Bless these leaders in government as they reach for solutions to the problems before us in these difficult days. In our Master's Name, Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## MESSAGE TO THE SENATE

OFFICE OF THE ATTORNEY GENERAL  
TEMPLE OF JUSTICE OLYMPIA, WASHINGTON 98501

January 22, 1971.

On January 21, 1971, a calculated and deliberate falsehood was perpetrated on the Washington State Senate by its Majority Floor Leader in his effort to rationalize the appropriation of public funds for partisan political purposes.

With notable irony, words such as "liar" and "ignorant" were loosed in this deceptive and irresponsible effort.

The facts are these:

1. Not one penny of public funds has been spent by the Office of Attorney General on redistricting operations.
2. There is no computer in the Office of Attorney General.
3. No member of the attorney general's staff has been engaged in redistricting operations in any way.
4. No contract has been signed by the attorney general's office with a consultant in Oregon or anywhere else.

This is a serious matter, not so much because it represents an unjustified personal attack as because it was deliberately used to persuade the Senate to appropriate state money—raised by taxes on the public—for partisan political purposes.

The only involvement of any of my staff with redistricting has been in the preparation of a formal legal opinion requested by members of the legislature. (A copy of that opinion was sent to the Senate Majority Floor Leader three weeks in advance of its publication, with an invitation to comment on its legal validity. None were forthcoming.)

Any member of the Senate is invited to visit my office at any time to see for himself that the facts are as I have stated them, and that the statements of the Majority Floor Leader are totally false.

In the interest of straightening the record after this scurrilous and irresponsible attack, I respectfully request that this message be read in the Senate and entered in the Journal.

Sincerely,  
SLADE GORTON  
Attorney General



REMARKS BY SENATOR GREIVE REGARDING  
MESSAGE FROM ATTORNEY GENERAL

Senator Greive: "One, I said that there was a provision in the last budget as promoted by the Democratic conferees that would have restricted the right of the Attorney General to spend any such money that would have permitted investigation, that the Republicans insisted on taking out.

"Two, there is a terminus in his office, I never said he had a computer in his office. He is hooked up the same as we are to the general computer.

"Three, no member of the Attorney General's staff has been engaged in redistricting operations in any way—I think that is a lie.

"Four, no contract has been signed by the Attorney General's office with a consultant in Oregon or anywhere else. It so happens if I said that, I apologize. What I meant to say and I think I said but we would have to see, was that the Republican Central Committee had the contract, that Washington and Oregon both had a contract with an outfit just outside Washington, D.C. in Virginia."

## PERSONAL PRIVILEGE

Senator Andersen: "In connection with the use of the word 'liar' by the distinguished majority leader yesterday, and the use of it again today in context with the member of the Attorney General's staff engaged in redistricting operations, I would only like to affirm what the Attorney General has stated in his message to the Senate. The lengthy opinion was written by the Attorney General's office at the request of myself as the Senate minority leader, as well as at the request of Representative Bledsoe, the majority leader in the House of Representatives. I do not consider this to be a member of the Attorney General's staff working on redistricting or on the partisan aspects of redistricting which is the thing that the minority here in the Senate has taken the position as being against and against the expenditure of public funds for

"The Attorney General is required by law to give an opinion on matters requested of him; we requested this opinion for the purpose of setting up the guidelines which this legislature must follow, the legal guidelines as enunciated by the courts, in its task of doing the redistricting job. But this has to do only with the business of redistricting according to population, this had nothing whatsoever at all to do with the matter of politics in redistricting which is the matter that we object to state monies and state employees being used for. Thank you."

## REMARKS BY SENATOR GREIVE

Senator Greive: "In answer to that, I will only take one particular facet where I think there is any conflict and that is this so-called opinion of the Attorney General.

"He shopped around and tried to get Senator Bailey, Representative Charette, Representative Sawyer, and other Democrats to request an opinion. None of whom would because it was nothing more than a partisan brief as to why we can not redistrict this session. The brief is sixty-eight pages of law, all designed for one purpose. It is not in any sense a judicial opinion. As an actual matter, we have been working now for about ten or eleven days on looking up the cases little by little and we intend to have an answer to his opinion."

## REMARKS BY SENATOR ANDERSEN

Senator Andersen: "Mr. President, Representative Bledsoe and myself asked for an opinion setting out the guidelines to follow in redistricting so we have something specific to follow. If the Attorney General requested that members of the majority in the Senate or in the House also go along in requesting this opinion, I see nothing inappropriate in that. I would have done so as a matter of comity in any event.

"The point is, I think that it has been the hope of some people that this rank partisanship can be avoided in redistricting. It appears to be a fond forlorn hope, I will admit at this point, but perhaps things will change as the session progresses. Hopefully so."

There being no objection, the Senate returned to the first order of business.

## REPORT OF STANDING COMMITTEE

January 21, 1971.

SENATE BILL NO 131, requiring the use of enriched flour in all specialty breads and rolls (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution)

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman, Elicker, Francis, Holman, McCutcheon, Newschwander, Odegaard

Passed to Committee on Rules and Joint Rules for second reading.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 172, by Senators Huntley and Washington (by departmental request).

An Act relating to eminent domain; and amending section 13, chapter 236, Laws of 1969 ex sess. and RCW 8.25.170

Referred to Committee on Highways.

SENATE BILL NO. 173, by Senators Talley, Washington and Huntley:

An Act relating to highways; and making an appropriation for operation of the Puget Island Westport ferry

Referred to Committee on Highways.

SENATE BILL NO. 174, by Senators Ridder and Wetzell:

An Act relating to shoreline areas, providing for the preservation and development thereof, providing for the adoption, implementation, and enforcement of a comprehensive plan; adding a new chapter to Title 43 RCW; providing penalties; and making an appropriation.

#### MOTION

Senator Ridder moved that Senate Bill No. 174 be referred to the Committee on Manufacturing and Industrial Development.

#### POINT OF INQUIRY

Senator Atwood: "Would Senator Ridder yield? Senator, what is the subject matter of the bill? We can not tell by the title. Is it a zoning in counties and cities?"

Senator Ridder: "Right. This is essentially an industrial zoning bill. It has many other ramifications but we felt at this time that it would be best to go into our new Committee on Manufacturing and Industrial Development rather than into Natural Resources."

Senator Atwood: "Is this a seacoast management measure?"

Senator Ridder: "Yes, this is the general title given to it."

Senator Atwood: "Do you have all of the other seacoast management bills in the committee on Manufacturing and Industrial Development."

Senator Ridder: "No."

The motion by Senator Ridder failed. Senate Bill No. 174 was referred to the Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 175, by Senators Ridder, Holman and Day

An Act relating to the dissolution of marriage by divorce or annulment or separate maintenance, and amending sections 11 and 12 chapter 215, Laws of 1949 and RCW 26.08.110 and 26.08.120

Referred to Judiciary Committee.

SENATE BILL NO. 176, by Senators Wilson, Huntley and Peterson (Lowell)

An Act relating to municipal officers; and amending section 4, chapter 268, Laws of 1961 and RCW 42.23.030

Referred to Committee on Cities, Towns and Counties

SENATE BILL NO. 177, by Senator Clarke.

An Act relating to public indebtedness, and amending section 1, chapter 143, Laws of 1917 as last amended by section 27, chapter 42, Laws of 1970 ex sess. and RCW 39.36.020

Referred to Committee on Cities, Towns and Counties.

**SENATE BILL NO. 178, by Senator Gissberg:**

An Act relating to public lands, tidelands, and shorelands, amending section 106, chapter 255, Laws of 1927 and RCW 79.01 424, amending section 120, chapter 255, Laws of 1927 and RCW 79.01 480, amending section 121, chapter 255, Laws of 1927 as amended by section 1, chapter 54, Laws of 1969 ex sess. and RCW 79.01 484, amending section 126, chapter 255, Laws of 1927 and RCW 79.01 504, amending section 136, chapter 255, Laws of 1927 and RCW 79.01 544, amending section 2, chapter 224, Laws of 1929 and RCW 79.20 100, and adding a new section to chapter 79.01 RCW

Referred to Committee on Natural Resources, Fisheries and Game

**SENATE BILL NO. 179, by Senators Whetzel and Francis (by departmental request):**

An Act relating to public assistance, and amending section 74.09 180, chapter 26, Laws of 1959 as amended by section 8, chapter 173, Laws of 1969 ex sess. and RCW 74.09 180

Referred to Committee on Public Institutions

**SENATE BILL NO. 180** by Senators Metcalf, Bailey, Holman, Wilson, Stortini, Francis, McDougall, Odegaard, Gardner, Canfield, Ridder and Murray (by executive and Secretary of State request):

An Act relating to elections, amending section 29.13.010, chapter 9, Laws of 1965 as amended by section 2, chapter 123, Laws of 1965 and RCW 29.13.010; adding a new section to chapter 9, Laws of 1965 and to chapter 29.13 RCW; and declaring an emergency.

Referred to Committee on Constitution, Elections and Legislative Processes

**MOTION**

On motion of Senator Metcalf, the rules were suspended and additional sponsors were added to Senate Bill No. 180

**SENATE BILL NO. 181, by Senators Holman and Washington (by Joint Committee on Governmental Cooperation request):**

An Act relating to state government, amending section 3, chapter 32, Laws of 1969 and RCW 43.19 190, amending section 43.19 1902, chapter 8, Laws of 1965 as amended by section 3, chapter 104, Laws of 1967 ex sess. and 43.19 1902; amending section 43.19.1904, chapter 8, Laws of 1965 as amended by section 4, chapter 104, Laws of 1967 ex sess. and RCW 43.19 1904 amending section 43.19.1906, chapter 8, Laws of 1965 and RCW 43.19.1906, and amending section 43.19 1911, chapter 8, Laws of 1965 and RCW 43.19.1911.

Referred to Committee on State Government.

**SENATE BILL NO. 182, by Senators Wilson, Elicker, Durkan, Henry Bailey, Atwood, Day, Donohue, Gussberg, Stender, Odegaard, Peterson (Lowell), Fleming, Foley, Peterson (Ted), Cooney, Holman, McDougall, Twigg, Knoblauch, Guess, Keefe, Washington, Newschwander, Metcalf and Talley:**

An Act relating to physician's assistants, and creating new sections.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 182.

**SENATE BILL NO. 183, by Senators Holman, Clarke and Elicker:**

An Act relating to liens, and amending section 5, chapter 24, Laws of 1893 as last amended by section 5, chapter 279, Laws of 1959 and RCW 60.04.060.

Referred to Judiciary Committee

**SENATE BILL NO. 184, by Senators Sandison, Elicker and Talley**

An Act relating to managed marine mammals, adding new sections to Title 75 RCW, defining crimes; and prescribing penalties

Referred to Committee on Natural Resources, Fisheries and Game

**SENATE BILL NO. 185, by Senators Walgren and Elicker**

An Act relating to the powers of governmental units; providing for property conveyance by governmental units to counties or park and recreation districts for park or recreational purposes, creating a new section; and adding a new section to chapter 57.08 RCW

Referred to Committee on State Government

**SENATE BILL NO. 186, by Senator Walgren (by Washington Law Enforcement Officers' and Fire Fighters' Retirement Board request)**

An Act relating to the retirement and pensions of law enforcement officers and fire fighters; amending section 3, chapter 209, Laws of 1969 ex sess as amended by section 1, chapter 6, Laws of 1970 ex sess and RCW 41.26.030; amending section 8, chapter 209, Laws of 1969 ex sess and RCW 41.26.080; amending section 13, chapter 209, Laws of 1969 ex sess as amended by section 8, chapter 6, Laws of 1970 ex sess and RCW 41.26.130; amending section 14, chapter 209, Laws of 1969 ex sess as amended by section 9, chapter 6, Laws of 1970 ex sess and RCW 41.26.140; amending section 17, chapter 209, Laws of 1969 ex sess as amended by section 12, chapter 6, Laws of 1970 ex sess and RCW 41.26.160; amending section 23, chapter 209, Laws of 1969 ex sess as amended by section 15, chapter 6, Laws of 1970 ex sess and RCW 41.26.180; amending section 16, chapter 209, Laws of 1969 ex sess as amended by section 11, chapter 6, Laws of 1970 ex sess and RCW 41.26.200; adding a new section to chapter 209, Laws of 1969 ex sess and to chapter 41.26 RCW; and declaring an emergency.

Referred to Committee on Public Pensions and Social Security

**SENATE BILL NO. 187, by Senators Walgren, Peterson (Lowell) and Sandison**

An Act relating to state institutions; creating new sections; and making an appropriation

Referred to Committee on Public Institutions

**SENATE BILL NO. 188, by Senators Walgren, Andersen, Ridder and Day**

An Act relating to the practice of medicine and surgery, providing for physician's trained mobile intensive care paramedics, authorizing the rendering of emergency lifesaving service by a physician's trained mobile intensive care paramedic under certain specified circumstances, granting immunity from civil liability for good faith emergency lifesaving services rendered by physician's trained mobile intensive care paramedics, amending section 14, chapter 192, Laws of 1909 as last amended by section 18, chapter 199, Laws of 1969 ex sess and RCW 18.71.020, adding new sections to chapter 192, Laws of 1909 and chapter 18.71 RCW; and declaring an emergency

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollut on

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 188.

**SENATE JOINT RESOLUTION NO. 16, by Senators Dore, Clarke and Holman (by Judicial Council request):**

Amending the Constitution by repealing Article IV and adopting new Article IVA, relating to the judicial system.

Referred to Judiciary Committee.

**PERSONAL PRIVILEGE**

Senator Andersen: "This is in addition to my remarks in connection with a point of personal privilege in response to what the distinguished majority leader had to say

"As I understood it yesterday, the majority leader stated there was a computer in the office of the Attorney General. The Attorney General's message to the Senate this morning stated flatly and unequivocally there is no computer in the office of the Attorney General. I understood the Senate majority leader in his response to that here on the floor a few moments ago to say he had not meant to state 'computer' in the office of the Attorney General, he had meant to say 'a computer terminal' was in the office of the Attorney General. I would like to say that I have checked on this and to make the record clear, there is no computer terminal in the office of the Attorney General.

"I would also like to say that so far as the minority is concerned, if the statement of Mr. Greive is correct, that the Republican Central Committee has entered into contract with a consultant in the state of Oregon, that the minority party certainly has no objection to the Democratic State Central Committee entering into any contracts it wants with anyone it wants."

#### REMARKS BY SENATOR GREIVE

Senator Greive: "If there is no terminus in the office of the Attorney General, then the IBM Corporation is in error, because they are the people that told me. The contract is not with a firm in the state of Oregon. It is a contract with the Oregon and Washington Central Committees of the Republican Party and a firm near Washington, D.C."

#### MOTION

At 12.05 p.m., on motion of Senator Greive, the Senate adjourned until noon, Monday, January 25, 1971

JOHN A. CHERBERG, President of the Senate

SIDNEY R. SNYDER, Secretary of the Senate

## FIFTEENTH DAY

## NOON SESSION

Senate Chamber, Olympia, Wash., Monday, January 25, 1971

The Senate was called to order at 12 00 noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Gissberg and Huntley. On motion of Senator Keefe, Senator Gissberg was excused. On motion of Senator McDougall, Senator Huntley was excused.

The Color Guard, consisting of Pages Jeff Stone, Color Bearer, and Linda Fairbairn presented the Colors. The Reverend Charles Howard Perry, rector of St. John's Episcopal Church of Olympia, offered prayer as follows.

"Almighty God, whose kingdom is everlasting and power infinite; look favorably upon our land, and so rule in the hearts of Thy servants the members of this Senate, that they, knowing whose authority rules the heavens and the earth, may seek to be worthy servants of Thine and of the people in this State. Grant that all the people of Washington may support them in the good they do, advise them wisely of their mind in the matters that come before this Senate, and hold them in dignity and honor. That we may maintain our freedom, grant that the laws passed by this legislature may be wise and fair for all and obediently followed by the citizens of Washington. May we walk in the way of peace and good-will, one with another, and go about our daily work without fear or terror. We pray in the name of our Lord Jesus Christ. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN.

I have the honor to submit the following appointment, subject to your confirmation.  
George W. Holifield, appointed January 5, 1971 for a term ending January 4, 1975, succeeding R. R. Rathfelder as a member of the State Personnel Board.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on State Government

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN,

I have the honor to submit the following appointment, subject to your confirmation.  
Eldon Reiley, appointed April 3, 1967 for a term ending April 3, 1972, as a member of the Board of Trustees of Spokane Community College District No. 17.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries

Office of the Governor, January 29, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation

James G. McCurdy, appointed March 2, 1967 for a term ending December 31, 1974, succeeding Ted R. McTigue, as a member of the State Parks and Recreation Commission

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
John A. Biggs, appointed July 1, 1970 for a term ending at the Governor's pleasure as Director of the Department of Ecology.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Natural Resources, Fisheries and Game.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
Jack Nelson, appointed April 28, 1970 for a term ending at the Governor's pleasure as Director of the Department of Motor Vehicles.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Highways.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
Sidney E. Smith, appointed July 1, 1970 for a term ending at the Governor's pleasure as Secretary of the Department of Social and Health Services.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
Donald G. Hansey, appointed December 31, 1970 for a term ending December 31, 1975, succeeding himself, as a member of the Washington State Aeronautics Commission.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on State Government.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
Dr. George Koss, appointed September 10, 1970 for a term ending December 31, 1974, succeeding Emmett Watson, as a member of the Washington State Aeronautics Commission.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on State Government.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
Donald K. Morford, appointed April 3, 1970 for a term ending April 2, 1974,



succeeding Avery Peyton as a member of the State Board for Community College Education.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries

Office of the Governor, January 20, 1971

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation  
L. Evert Landon appointed April 3, 1970 for a term ending April 3, 1974, succeeding  
himself, as a member of the State Board for Community College Education

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.

GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation  
Andrew Young, appointed June 4, 1970 for a term ending April 3, 1973, succeeding  
Dr. John Henry as a member of the State Board for Community College Education

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.

GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation  
Richard Albrecht, appointed September 8, 1970 for a term ending June 30, 1975,  
succeeding Mineo Katagiri, as a member of the Council on Higher Education.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.

GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation.  
James Furman, appointed June 30, 1970 for a term ending June 9, 1971, succeeding  
Dr. Charles Odegard as a member of the Western Interstate Commission for Higher  
Education.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON

GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation.  
James W. Whittaker, appointed January 1, 1971 for a term ending December 31, 1976,  
succeeding himself as a member of the Parks and Recreation Commission.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

Office of the Governor, January 20, 1971

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.

GENTLEMEN,

I have the honor to submit the following appointment, subject to your confirmation

Thomas Garrett, appointed January 1, 1971 for a term ending December 31, 1976, succeeding Joe W. Hamel as a member of the Parks and Recreation Commission

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN

I have the honor to submit the following appointments, subject to your confirmation:  
Walt Woodward, appointed July 31, 1970 for a term ending July 1, 1976, as a member of the Pollution Control Hearing Board.

James T. Sheehy, appointed July 31, 1970 for a term ending July 1, 1974, as a member of the Pollution Control Hearing Board.

Matthew Hill, appointed July 31, 1970 for a term ending July 1, 1972, as a member of the Pollution Control Hearing Board

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
F. Bruce Johnson, appointed April 15, 1970 for a term ending April 15, 1975, succeeding himself as Chairman of the Board of Prison Terms and Paroles.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Public Institutions.

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
Wayne Smyth, appointed July 1, 1969 for a term ending June 30, 1975, succeeding himself as a member of the Canal Commission.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Natural Resources, Fisheries and Game.

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
Ernest L. Paxy, appointed July 1, 1969 for a term ending June 30, 1975, succeeding himself as a member of the Canal Commission.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Natural Resources, Fisheries and Game

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
Walter C. Howe, Jr., appointed August 11, 1969 for a term ending at the Governor's pleasure, as the Director of the Office of Program Planning and Fiscal Management.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Ways and Means-- Appropriations.

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON  
GENTLEMEN.

I have the honor to submit the following appointment, subject to your confirmation:

Dr Robert L. Flennaugh, appointed March 9, 1970 for a term ending March 9, 1976, succeeding Dr. Leo Rosellini as a member of the Board of Regents of the University of Washington.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
Jack O. Neupert, appointed March 9, 1970 for a term ending March 9, 1976, succeeding Robert Wilks, as a member of the Board of Regents of the University of Washington.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
Dr. Oswald H. Greager, appointed October 19, 1970 for a term ending at the Governor's pleasure as Chairman of the Thermal Power Plant Site Evaluation Council.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Commerce and Regulatory Agencies.

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
Philip Caron, appointed October 16, 1970 for a term ending March 11, 1976, succeeding Don Johnson, as a member of the Board of Trustees of Central Washington State College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
Morris G. Shore, appointed August 4, 1970 for a term ending March 1, 1976, succeeding Barbara R. Nelson as a member of the Board of Trustees of Eastern Washington State College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
Patrick C. Comfort, appointed July 2, 1970 for a term ending March 8, 1977, succeeding himself as a member of the Board of Trustees of Western Washington State College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation  
Harry T. Hunt, appointed April 3, 1970 for a term ending April 3, 1975, succeeding  
himself, as a member of the Board of Trustees of Community College District No. 1,  
(Peninsula)

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN.

I have the honor to submit the following appointment, subject to your confirmation  
Oliver Tibbetts, appointed April 3, 1970, for a term ending April 3, 1975, succeeding  
himself as a member of the Board of Trustees of Grays Harbor Community College District  
No. 2.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation  
Stanley C. Gillies, appointed June 16, 1970 for a term ending April 3, 1972,  
succeeding Harry C. Jones as a member of the Board of Trustees of Grays Harbor  
Community College District No. 2.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation  
John R. Bruckart, Jr., appointed April 3, 1970 for a term ending April 3, 1975,  
succeeding John O'Neill as a member of the Board of Trustees of Olympic Community  
College District No. 3.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation.  
Dr. Richard M. Hoag, appointed April 3, 1970 for a term ending April 3, 1975,  
succeeding himself as a member of the Skagit Valley Community College District No. 4.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Higher Education and Libraries

Office of the Governor, January 20, 1971  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
Theodore H. Muncaster, appointed April 3, 1970 for a term ending April 3, 1975,  
succeeding Archie Baker as a member of the Board of Trustees, Community College District  
No. 5, (Everett Junior College--Edmonds Community College).

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.  
TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN.

I have the honor to submit the following appointment, subject to your confirmation  
Arthur Siegal, appointed April 3, 1970 for a term ending April 3, 1975, succeeding  
himself as a member of the Board of Trustees of Seattle Community College District No. 6.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Higher Education and Libraries

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
John B. Hughes, appointed April 3, 1970 for a term ending April 3, 1975, succeeding  
Don McChesney as a member of the Board of Trustees of Shoreline Community College  
District No. 7.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Higher Education and Libraries

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
B. T. Gardner, appointed August 12, 1970 for a term ending April 3, 1974, succeeding  
C. E. Robison as a member of the Board of Trustees of Bellevue Community College District  
No. 8.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Higher Education and Libraries

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation.  
Mrs. Harriet S. Jaquette, appointed April 3, 1970 for a term ending April 3, 1975,  
succeeding herself as a member of the Board of Trustees of Bellevue Community College  
District No. 8.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation.  
Reid E. Hals, appointed April 3, 1970 for a term ending April 3, 1975, succeeding  
himself as a member of the Board of Trustees of Highline Community College District No.  
9.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Higher Education and Libraries

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation.  
Dr. Spencer W. Shaw, appointed April 3, 1970 for a term ending April 3, 1975,  
succeeding himself as a member of the Board of Trustees of the Green River Community  
College District No. 10.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN.

I have the honor to submit the following appointment, subject to your confirmation:  
Helen Smith, appointed September 22, 1970 for a term ending April 3, 1972, succeeding Robert Olson, as a member of the Board of Trustees of the Green River Community College District No. 10

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
John L. Aram, appointed April 3, 1970 for a term ending April 3, 1975, succeeding Merrill A. Young as a member of the Board of Trustees of Clover Park Community College District No. 11

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
Douglas Richter, appointed June 30, 1970 for a term ending April 3, 1973 succeeding Wallace Hager as a member of the Board of Trustees of Clover Park Community College District No. 11.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN.

I have the honor to submit the following appointment, subject to your confirmation:  
Melvin D. Henderson, appointed April 3, 1970 for a term ending April 3, 1975, succeeding Mrs. Anne Caldwell as a member of the Board of Trustees of Centralia Community College District No. 12.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
Mrs. Ward H. Smith, appointed April 3, 1970 for a term ending April 3, 1975, succeeding herself as a member of the Board of Trustees of Lower Columbia Community College District No. 13.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
Richard E. Lawton, appointed April 3, 1970 for a term ending April 3, 1975, succeeding himself as a member of the Board of Trustees of Clark Community College District No. 14.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
Dr. Robert M. Kintner, appointed April 3, 1970 for a term ending April 3, 1975,  
succeeding himself as a member of the Board of Trustees of Wenatchee Valley Community  
College District No. 15.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
Mrs. Ruth F. Mottley, appointed April 3, 1970 for a term ending April 3, 1975,  
succeeding herself as a member of the Board of Trustees of Yakima Community College  
District No. 16.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
Charles de LaChapelle, appointed December 17, 1970 for a term ending April 3, 1973,  
succeeding Zeke Smith as a member of the Board of Trustees of Yakima Valley Community  
College District No. 16.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
Leonard Stubbs, appointed April 3, 1970 for a term ending April 3, 1975, succeeding  
himself as a member of the Board of Trustees of Spokane Community College District No.  
17.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
Dick D. Ludeman, appointed April 3, 1970 for a term ending April 3, 1975, succeeding  
Max Kohler, as a member of the Board of Trustees of Big Bend Community College District  
No. 18.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
O. C. Adams, appointed April 3, 1970 for a term ending April 3, 1975, succeeding  
himself as a member of the Board of Trustees of Columbia Basin Community College  
District No. 19.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
Leslie W. James, appointed April 3, 1970 for a term ending April 3, 1975, succeeding himself as a member of the Board of Trustees of Walla Walla Community College District No. 20

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
Mrs. E. K. Stimpson, appointed April 3, 1970 for a term ending April 3, 1975, succeeding herself as a member of the Board of Trustees of Community College District No. 21

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
Donald E. Anderson, appointed April 3, 1970 for a term ending April 3, 1975, succeeding Mrs. Maxine Myers as a member of the Board of Trustees of Tacoma Community College District No. 22.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries.

Office of the Governor, January 20, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation:  
Donald H. Brazier, Jr., appointed January 8, 1971 for a term ending January 1, 1977, succeeding Dayton A. Witten as a member and Chairman of the Utilities and Transportation Commission.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Commerce and Regulatory Agencies.

## MESSAGE FROM THE HOUSE

January 22, 1971.

Mr. President The House has adopted HOUSE CONCURRENT RESOLUTION NO. 5, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 189, by Senators Foley, Newschwander and Wilson (by departmental request):

An Act relating to the youth development and conservation corps, amending section 43.51.520, chapter 8, Laws of 1965 as amended by section 2, chapter 96, Laws of 1969 ex sess. and RCW 43.51.520, and amending section 43.51.530, chapter 8, Laws of 1965 as amended by section 3, chapter 96, Laws of 1969 ex sess. and RCW 43.51.530

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 190, by Senators Ridder, Fleming, Ellicker and Atwood (by Public Pension Commission request):

An Act relating to public employment; adding new sections to chapter 41.40 RCW;



adding a new section to chapter 41 44 RCW; and adding a new section to chapter 41 06 RCW.

Referred to Committee on Public Pensions and Social Security

SENATE BILL NO. 191, by Senator Mardesich

An Act relating to motor vehicles, requiring energy absorption devices on private passenger automobiles; and creating new sections.

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO. 192, by Senators Scott, Ridder, and Bailey.

An Act relating to elections; and adding new sections to chapter 9, Laws of 1965 and to chapter 29 21 RCW

Referred to Committee on Constitution, Elections and Legislative Processes

SENATE BILL NO. 193, by Senators Elcker, Peterson (Lowell) and Lewis.

An Act relating to environmental and outdoor recreation, establishing the Cypress Island Educational Reserve; and making an appropriation.

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 194, by Senators Atwood and Guess:

An Act relating to public transportation, amending section 8, chapter 255, Laws of 1969 ex sess. and RCW 35 58 273; and amending section 82 44 .50, chapter 15, Laws of 1961 as amended by section 15, chapter 255, Laws of 1969 ex sess. and RCW 82 44 150

Referred to Committee on Highways.

SENATE BILL NO. 195, by Senators Talley, Bailey and Woodall.

An Act relating to the preservation of historical materials, and amending section 2, chapter 160, Laws of 1949 as amended by section 2, chapter 47, Laws of 1957 and RCW 27 48 020

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 196, by Senators Odegaard, Sandison and Metcalf (by departmental request):

An Act relating to crimes and punishments, creating a program of aid and assistance for paroled, discharged prisoners and persons convicted of a felony and granted probation, amending section 2, chapter 217, Laws of 1961 and RCW 9 95 310, amending section 3, chapter 217, Laws of 1961 and RCW 9 95 320, amending section 4, chapter 217, Laws of 1961 and RCW 9 95 330, amending section 5, chapter 217, Laws of 1961 and RCW 9 95 340; amending section 6, chapter 217, Laws of 1961 and RCW 9 95 350; amending section 7, chapter 217, Laws of 1961 and RCW 9 95 360; amending section 8, chapter 217, Laws of 1961 and RCW 9 95 370, and adding a new section to chapter 217, Laws of 1961 and to chapter 9 95 RCW.

Referred to Committee on Public Institutions.

SENATE BILL NO. 197, by Senators Stender, Matson, Herr and Day

An Act relating to higher education, establishing rules of conduct for students enrolled in institutions of higher education; and declaring an emergency.

Referred to Committee on Higher Education and Libraries.

#### MOTION

On motion of Senator Stender, the rules were suspended and additional sponsors were added to Senate Bill No. 197

SENATE BILL NO. 198, by Senators Foley, Bailey, Henry, Talley, Washington, Elcker, Canfield, Odegaard, Huntley, Day, McDougall, Francis, Metcalf, Gissberg, Atwood, Ridder, and Walgren (by Secretary of State request)

An Act relating to elections; amending section 18, chapter 109, Laws of 1967 ex. sess. and RCW 29.34 080, and amending section 2, chapter 130, Laws of 1967 ex. sess. and RCW 29.34 180.

Referred to Committee on Constitution, Elections and Legislative Processes

#### MOTION

On motion of Senator Foley, the rules were suspended and additional sponsors were added to Senate Bill No. 198

SENATE JOINT RESOLUTION NO. 17, by Senators Scott, Fleming and Elchick  
Providing constitutional amendment making public transportation systems eligible for highway funds.

Referred to Committee on Highways.

HOUSE CONCURRENT RESOLUTION NO. 5, by Representative Pardini.

Joint session to receive address to the legislature from Richard G. Capen, Jr.

On motion of Senator Greive, the rules were suspended, House Concurrent Resolution No. 5 was advanced to second reading and read the second time in full.

On motion of Senator Greive, the rules were suspended, House Concurrent Resolution No. 5 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

#### MOTION

On motion of Senator Greive, the following statement was permitted to be a part of the Senate Journal

#### STATEMENT OF SENATOR R. R. BOB GREIVE

"In the heat of a floor debate in the Senate Friday, January 21, I may have inadvertently made some misstatements of fact which I regret, and for which I apologize. If I implied any personal disparagement of any individual, I also regret that, for I have never knowingly or intentionally let public or partisan debate lower itself to a personal level, and had no such intent in that Senate exchange.

"However, I didn't create the information but was speaking from information given me by Republicans and others, which I believed to be true. I believe that I stated that Attorney General Slade Gorton has a computer in his office, when, in fact, I should have said, and meant to refer to, a computer terminal, Model No. 2741, which is located in his office and has both input and output capabilities.

"I reiterate that the Washington Republican State Central Committee and the State Attorney General are, and have been for some time, actively involved in an attempt to gather partisan data for the purpose of redistricting. The State Republican Central Committee signed a contract two or three years ago with Ed Nichols Associates, Blue Ridge Avenue, Wheaton, Maryland, a politically-oriented analyst firm, to work on the political diagnosis of the legislative districts of this state. In February or March, 1970, the contract was amended to do redistricting work, and was recently renewed for political analysis work. Richard H. Schweitzer, Jr., a former employee of Ed Nichols Associates, was employed by the Washington Republican State Central Committee as a Research Director to do a detailed analysis of the 1968 elections with its political implications in each legislative district. Mr. Schweitzer worked on such an analysis as his doctoral thesis at Washington State University but failed to complete all requirements for his doctorate. Washington State University computers were used in the preparation of his analysis of the 1969 elections, and this analysis is now being used by the Republicans in their redistricting effort. Mr. Schweitzer was recently on the staff of the United States Census Bureau in Washington, D.C.

"I am also informed that some interns employed by the Washington State Legislature, who are assigned to Republican members of the legislature, are presently being used in the Republican redistricting effort, working at the Republican Central Committee headquarters in Olympia.

"At the request of the minority members of the redistricting committee of the Senate, authorization was given to hire their own staff of three people to work with the redistricting staff of the majority membership, in order that the minority members might have their own people to give them assurance that the statistics gathered by the committee were accurate. This request was turned down by the Republican Caucus. The implication of such action can only be that the Republicans already have the material in hand and such staff assistance

is unnecessary. I have been told it was stated in a joint Senate and House Republican Caucus that the Republicans are a year ahead of the Democrats on the redistricting matter and do not want the Democrats to catch up.

"I have also been advised and I believe accurately, by a number of Republicans, that Mr Gorton does, in fact, already have a complete redistricting plan which they report they have seen.

"In this connection, the following excerpt from a letter written by Congresswoman Julia Butler Hansen is pertinent. This is quoted from an article in the Vancouver (Washington) Evening Columbian, January 5, 1971:

'... I have no redistricting plan. I am perfectly willing to abide by you distinguished legislators' decision on this matter. I once served in the legislature on a redistricting committee and know the chores ahead of you.

"The plan I discussed with Mr. Smith (a Washington, D C correspondent)... is that plan which was presented to me by the Honorable Catherine May (R-Wash) in October (1970) which she said was a result of (State Attorney General) Stude Gorton's calculations, (emphasis added and end of quote)'

"The Attorney General's so-called legal opinion on redistricting was requested by two Republican legislators, and after the opinion was written Mr. Gorton failed in his attempt to recruit Democrats to join in the request. It is my judgment that this opinion is a deliberate stratagem designed to set up so many road blocks that the Legislature would find it impossible to carry out its constitutional directive. It is my further judgment that if Mr. Gorton's plan is successful, it is his intention to usurp the legislative authority and present to the federal court a Republican-slanted redistricting plan drafted by himself and the Republican Party.

"In the opinion of several attorneys, the preparation of the formal legal opinion rendered by Attorney General Gorton required approximately twenty five days' work. This opinion was written by Philip Austin of the Attorney General's staff whose salary is \$2,000 per month.

"The Constitution directs that the Legislature shall redistrict itself in the first session after each ten year census. The present session is the one in which the Legislature must redistrict if it is to be guided by the State Constitution and live within its mandates.

"The Democratic majority of the Senate does not intend to let the Republican Attorney General thwart the spirit and letter of the State Constitution, nor permit him to usurp legislative authority in the redistricting process, a function clearly reserved to the State Legislature by our Constitution. The Democratic majority intends to protect the interest of all the people of the state of Washington and assure the citizens of the state fair and equitable representation under the 'one-man, one-vote' directive of the courts."

#### MOTION

At 12:25 p.m., on motion of Senator Greive, the Senate adjourned until 11 00 a.m., Tuesday, January 26, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SIXTEENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, January 26 1971.

The Senate was called to order at 11 00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Gissberg. On motion of Senator Keefe, Senator Gissberg was excused.

The Color Guard, consisting of Pages Keith Foster, Color Bearer, and Carol Fricke, presented the Colors. Reverend Charles Howard Perry, rector of St. John's Episcopal Church of Olympia, offered prayer as follows:

"Almighty God who has given us the gift of free will and the power to influence the affairs of men and nations, guide, we pray the members of this Senate with Your Grace and Wisdom. Favor them, O Lord, with a sense of mercy, strengthen them with compassion and understanding, and may they seek to do justice and walk humbly before You, their God. When they would seek the Truth, may they turn to You, when they are in doubt about the value of Law, may they remember that You have given an eternal Law, when they are tempted to do other than their utmost best as persons and lawmakers, may Your Spirit remind them that what they do here affects the lives of millions of people. We are thankful, Our Father, that You will hear our prayers and that Your Love dwells in the hearts of men. We ask Your blessing upon us now and always. Amen."

On motion of Senator Greve, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEE

January 20, 1971.

SENATE BILL NO. 47, providing for certain changes relating to motor vehicles (reported by Committee on Highways):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman, Henry, Vice Chairman; Bailey, Donohue, Ellicker, Foley, Huntley, Jolly, Mardesich, Matson, Murray, Sandison, Scott, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

January 20, 1971.

SENATE BILL NO. 95, allowing school buses to use studded tires (reported by Committee on Highways):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman, Henry, Vice Chairman, Bailey, Donohue, Foley, Huntley, Jolly, Mardesich, Matson, Murray, Sandison, Scott, Stender, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

## MESSAGES FROM THE HOUSE

January 25, 1971.

Mr. President: The House has passed SENATE BILL NO. 171, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

January 25, 1971.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 6, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

January 25, 1971.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 5, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed.

SENATE BILL NO 171,

HOUSE CONCURRENT RESOLUTION NO 5.

## INTRODUCTION AND FIRST READING

SENATE BILL NO 199, by Senators Murray, Walgren and Ellicker.

An Act relating to the initiative and referendum powers, amending section 29 79 040, chapter 9, Laws of 1965 and RCW 29.79 040, amending section 29 79 310, chapter 9, Laws of 1965 and RCW 29.79 310, and adding a new section to Title 36 RCW.

Referred to Committee on Constitution, Elections and Legislative Processes.

SENATE BILL NO 200, by Senators Murray, Day and Canfield:

An Act relating to gambling, amending section 1246, Code of 1881 as last amended by section 248, chapter 249, Laws of 1909 and RCW 9 66 010, repealing section 5, page 98, Laws of 1879, section 1257 Code of 1881, section 3, chapter 7, Laws of 1957 and RCW 4 24 080, repealing section 99, page 93, Laws of 1854 sections 104, 105, page 222, Laws of 1869, sections 110, 111, page 206, Laws of 1873, section 1253, Code of 1881, section 217, chapter 249, Laws of 1909 and RCW 9 47 010; repealing section 218, chapter 249 Laws of 1909 and RCW 9 47 020, repealing section 220, chapter 249, Laws of 1909 and RCW 9 47 030, repealing section 1, chapter 119, Laws of 1937 and RCW 9 47 040, repealing section 2, chapter 119, Laws of 1937 and RCW 9 47 050, repealing section 221, chapter 249, Laws of 1909 and RCW 9 47 060, repealing section 100, page 93 Laws of 1854, section 105, page 221, Laws of 1869, section 111, page 206, Laws of 1873, sections 5, 6, page 98, Laws of 1879, sections 1257, 1258, Code of 1881, section 222, chapter 249, Laws of 1909 and RCW 9 47 070; repealing section 226, chapter 249, Laws of 1909 and RCW 9 47 110; repealing section 228 chapter 249, Laws of 1909 and RCW 9 47 130; repealing section 1, chapter 6, Laws of 1909 and RCW 9 47 140, defining crimes, and prescribing penalties.

Referred to Judiciary Committee

SENATE BILL NO 201, by Senators Mardesich and Guess.

An Act relating to higher education, and adding a new section to chapter 223, Laws of 1969 ex sess and to chapter 28B 15 RCW

Referred to Committee on Higher Education and Libraries

SENATE BILL NO 202, by Senators Peterson (Lowell), Metcalf and Mardesich

An Act relating to state institutions; adding a new section to Title 72 RCW, and making an appropriation.

Referred to Committee on Public Institutions

SENATE BILL NO 203, by Senators Donohue, Walgren, Woodall and Canfield

An Act relating to the law against discrimination, and adding a new section to chapter 49 60 RCW

Referred to Judiciary Committee

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No 203

SENATE BILL NO 204, by Senators Canfield and Jolly

An Act relating to the law enforcement officers' and fire fighters' retirement system, amending section 3, chapter 209 Laws of 1969 ex sess, as amended by section 1, chapter 6, Laws of 1970 ex sess and RCW 41 26 030, amending section 9, chapter 209, Laws of 1969 ex sess as amended by section 4, chapter 6, Laws of 1970 ex sess and RCW 41 26 090, amending section 10, chapter 209, Laws of 1969 ex sess as amended by section 5, chapter 6, Laws of 1970 ex sess and RCW 41 26 100, amending section 17, chapter 209, Laws of 1969 ex sess as amended by section 12 chapter 6, Laws of 1970 ex sess and RCW

41 26 160; and amending section 18, chapter 209, Laws of 1969 ex. sess. as amended by section 13, chapter 6, Laws of 1970 ex. sess. and RCW 41 26 190

Referred to Committee on Public Pensions and Social Security

SENATE BILL NO. 205, by Senators Dore, Connor and Peterson (Ted):

An Act relating to alcoholism; enacting an "Alcoholism and Intoxication Treatment Act", amending section 1, chapter 23, Laws of 1909 ex. sess. and RCW 9 68 040 amending section 1, page 85, Laws of 1875 as last amended by section 1 chapter 112, Laws of 1965 ex. sess. and RCW 9 87 010, repealing section 35, chapter 62, Laws of 1933 ex. sess. and RCW 66 44 010, repealing section 71 08 010, chapter 25, Laws of 1959 and RCW 71 08 010, repealing section 71 08 020, chapter 25, Laws of 1959 and RCW 71 08 020 repealing section 71 08 030, chapter 25, Laws of 1959 and RCW 71.08.030, repealing section 71 08 040, chapter 25, Laws of 1959 and RCW 71 08 040, repealing section 71 08 050, chapter 25, Laws of 1959 and RCW 71 08 050, repealing section 71 08 060, chapter 25, Laws of 1959 and RCW 71 08 060, repealing section 71.08.070, chapter 25, Laws of 1959 and RCW 71 08 070; repealing section 71 08 080, chapter 25, Laws of 1959 and RCW 71 08 080, and repealing section 71 08 090, chapter 25, Laws of 1959 and RCW 71 08 090

Referred to Committee on State Government

SENATE BILL NO. 206, by Senators Holman, Dore and Connor:

An Act relating to domestic relations and adding new sections to chapter 26 04 RCW

Referred to Judiciary Committee.

SENATE BILL NO. 207, by Senators Ridder, Peterson (Ted) and Knoblauch (by Joint Committee on Education request).

An Act relating to education amending section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A 41 140, and declaring an emergency

Referred to Committee on Education

SENATE BILL NO. 208, by Senator Sandison, Durkan, Foley and Atwood

An Act relating to certain institutions of higher education, and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B 10 RCW

Referred to Committee on Higher Education and Libraries.

There being no objection the rules were suspended and additional sponsors were added to Senate Bill No. 208.

SENATE BILL NO. 209, by Senators Day, Henry and Huntley.

An Act relating to motor vehicles, and amending section 46.44.040, chapter 12, Laws of 1961, and RCW 46 44 040

Referred to Committee on Highways.

SENATE BILL No. 210, by Senators Fleming and Francis

An Act relating to small claims departments of justice's court; prohibiting corporations from filing claims therein, amending section 7, chapter 187, Laws of 1919 and RCW 12.40 070; and creating new sections

Referred to Judiciary Committee

SENATE BILL NO. 211, by Senators Fleming, Scott and Francis

An Act relating to drug treatment centers and providing for the funding thereof amending section 1, chapter 99, Laws of 1969 ex. sess. and RCW 3 62 015, adding a new section to chapter 3 62 RCW, adding new sections to chapter 69.40 RCW, and creating new sections

Referred to Committee on State Government.

SENATE BILL NO. 212, by Senators Fleming and Francis.

An Act relating to small claims court, permitting the attorney general to represent certain plaintiffs, amending section 8, chapter 187, Laws of 1919 and RCW 12.40.080

amending section 43.10.030, chapter 8, Laws of 1965 and RCW 43.10.030; and adding a new section to chapter 187, Laws of 1919 and to chapter 12.40 RCW.

Referred to Judiciary Committee

SENATE JOINT MEMORIAL NO. 2, by Senator Metcalf:

Memorializing Congress to limit senators and representatives to 12 years of service and to provide for mandatory retirement of all federal judges at age 70.

Referred to Committee on Constitution, Elections and Legislative Processes

SENATE JOINT RESOLUTION NO. 18 by Senators Murray, Day and Canfield

Authorizing bingo and lotteries for charity.

Referred to Judiciary Committee.

SENATE JOINT RESOLUTION NO. 19, by Senator Metcalf:

Providing for the retirement of all judges at age 70 and making a governor or legislator who has served 12 years or more ineligible for reelection.

Referred to Committee on Constitution, Elections and Legislative Processes.

HOUSE CONCURRENT RESOLUTION NO. 6, by Representatives Bledsoe and McCormick Relating to memorial services commemorating deceased members of the legislature.

On motion of Senator Greive, the rules were suspended, House Concurrent Resolution No. 6 was advanced to second reading and read the second time in full.

On motion of Senator Greive, the following amendment was adopted:

On line 12, strike "Wednesday" and insert "Monday"

On motion of Senator Greive, the rules were suspended, House Concurrent Resolution No. 6, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the resolution was adopted.

### MOTIONS

Senator Odsgaard moved that the Committee on Public Institutions be relieved of further consideration of Senate Bill No. 137.

Senator Odsgaard moved that Senate Bill No. 137 be referred to the Judiciary Committee.

### POINT OF INQUIRY

Senator Greive: "Mr. President, would Senator Odsgaard yield to a question? Senator, I assume that this bill is now in your committee?"

Senator Odsgaard: "The bill is now in my committee."

Senator Greive: "Have you discussed this with the chairman of the Judiciary Committee?"

Senator Odsgaard: "We have discussed this. We thought it would better fit in the Judiciary Committee. I have also discussed this with the vice chairman of the Judiciary Committee, Senator Dore, since Senator Giesberg is not here and have full agreement with everyone with whom I have discussed this matter."

### POINT OF INQUIRY

Senator Fleming: "Would Senator Odsgaard yield to a question? Being the prime sponsor of this bill, I would like to know why this move is being made."

Senator Odsgaard: "Senator Fleming, there are some legal matters that we felt it would better fit in the Judiciary Committee. It is made up mostly of attorneys and we have very few attorneys on the Committee on Public Institutions."

Senator Fleming: "Will this bill go back to your committee when it leaves the Judiciary Committee?"

Senator Odsgaard: "That I do not know."

The motions by Senator Odsgaard carried and Senate Bill No. 137 was referred to the Judiciary Committee.

## THIRD READING

SENATE BILL NO 120 by Senators Lewis Sandison, Henry, Odegard, Gardner, Holman, Knoblauch, Peterson (Lowell), Flucker, McDougall, Atwood Herr, Peterson (Ted), Huntley, Grove, Canfield, Stender, Talley, Scott, Durkan Twigg, Dore, Ridder and Washington (by executive request)

Conforming Washington unemployment compensation law to federal law generally

## MOTIONS

On motion of Senator Stortini, the rules were suspended and Senate Bill No 120 was returned to second reading

On motion of Senator Stortini, the following amendment by Senators Stortini, Lewis and McDougall was adopted

Strike everything after the enacting clause and insert the following:

Section 1 Section 8, chapter 35 Laws of 1945 as amended by section 1, chapter 215, Laws of 1951 and RCW 50 04.070 are each amended to read as follows:

"Contributions" means the money payments [including the application of experience rating credits,] due to the state unemployment compensation fund as provided in RCW 50 24 010.

NEW SECTION Sec. 2. There is added to chapter 35, Laws of 1945 and to Title 50 RCW a new section to read as follows:

"Payments in lieu of contributions" means money payments due to the state unemployment compensation fund as provided in section 23 of this 1971 amendatory act.

Sec. 3 Section 8, chapter 266, Laws of 1958 and RCW 50 04.072 are each amended to read as follows:

[Wherever and whenever in any of the sections of chapter 35, Laws of 1945, and of Title 50 04, the words "contribution" and/or "contributions" appear, said words shall be construed to mean taxes which are the money payments required by this title to be made to the state unemployment compensation fund.] The terms "contributions" and "payments in lieu of contributions" used in this title whether singular or plural designate the money payments to be made to the state unemployment compensation fund and are deemed to be taxes due to the state of Washington.

NEW SECTION, Sec. 4. There is added to chapter 35, Laws of 1945 and to Title 50 RCW a new section to read as follows:

The term "contributions" as used in this title shall be deemed to include "payments in lieu of contributions" to the extent that such usage is consistent with the purposes of this title. Such construction shall include but not be limited to those portions of this title dealing with assessments, interest liens, collection procedures and remedies, administrative and judicial review, and the imposition of administrative, civil and criminal sanctions.

Sec. 5, Section 9, chapter 35, Laws of 1945 as amended by section 2, chapter 214, Laws of 1949 and RCW 50.04 080 are each amended to read as follows:

"Employer" means any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the legal representative of a deceased person, having any person in employment or, having become an employer, has not ceased to be an employer as provided in this title.

Irrespective of any other inconsistent provisions of this title, any employing unit shall also be deemed to be an employer for the purposes of this title to the same extent that services performed for such employing unit constitute subject employment under the provisions of any federal tax against which credit may be taken for contributions paid into a state unemployment compensation fund.

Irrespective of any provision in this title to the contrary any employing unit which employs individuals whose employment must be covered by the unemployment insurance laws of this state for services performed subsequent to December 31, 1971 as a condition of approval of the unemployment insurance laws of this state under section 3304 (a) of the Internal Revenue Code of 1954, as amended, will be considered an employer as to such individual and shall be subject to contributions on all wages paid subsequent to December 31, 1971, or reimbursement payments to cover benefits paid based on services performed subsequent to December 31, 1971, depending on the law applicable.

Sec. 6 Section 12, chapter 35, Laws of 1945 and RCW 50 04.110 are each amended to read as follows:

The term "employment" shall include an individual's entire service performed within or without or both within and without this state, if

(1) The service is localized in this state, or

(2) The service is not localized in any state, but some of the service is performed in this state, and

(a) the base of operations, or if there is no base of operations, then the place from which such service is directed or controlled is in this state, or

(b) the base of operations or place from which such service is directed or controlled is



not in any state in which some part of the service is performed, but the individual's residence is in this state, or

- (3) *The service is performed within the United States, the Virgin Islands or Canada, if*  
 (a) *such service is not covered under the unemployment compensation law of any other state, the Virgin Islands or Canada, and*  
 (b) *the place from which the service is directed or controlled is in this state.*

NEW SECTION, Sec. 7. There is added to chapter 35, Laws of 1945 and to Title 50 RCW a new section to read as follows:

The term "employment" shall include the service of an individual who is a citizen of the United States performed outside the United States (except in Canada or the Virgin Islands) in the employ of an American employer (other than service which is deemed "employment" under the provisions of RCW 50.04.110 or 50.04.120 or the parallel provisions of another state's law), if

- (1) The employer's principal place of business in the United States is located in this state, or  
 (2) The employer has no place of business in the United States but  
 (a) the employer is an individual who is a resident of this state; or  
 (b) the employer is a corporation which is organized under the laws of this state, or  
 (c) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any one other state, or

(3) None of the criteria subsections (1) and (2) of this section is met but the employer has elected coverage in this state, or the employer having failed to elect coverage in any state the individual has filed a claim for benefits, based on such service, under the laws of this state

- (4) An "American employer", for the purposes of this section, means a person who is  
 (a) an individual who is a resident of the United States; or

(b) a partnership if two-thirds or more of the partners are residents of the United States; or

- (c) a trust, if all of the trustees are residents of the United States, or  
 (d) a corporation organized under the laws of the United States or of any state

Sec. 8. Section 13, chapter 35, Laws of 1945 and RCW 50.04.115 are each amended to read as follows:

Services not covered under RCW 50.04.110 or section 7 of this 1971 amendatory act [, and] which are performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law if any other state or of the federal government, shall be deemed to be employment subject to this title if the individual performing such services is a resident of this state and the commissioner approves the election [,] of the employing unit for whom such services are performed [,] that the entire service of such individual shall be deemed to be employment subject to this title.

Sec. 9. Section 21, chapter 35, Laws of 1945 as last amended by section 1, chapter 8, Laws of 1953 ex. sess. and RCW 50.04.200 are each amended to read as follows.

The term "employment" shall not include service performed in the employ of [this state or of any political subdivision thereof, or of any instrumentality of this state or its political subdivisions] any political subdivision of this state or of any instrumentality of a political subdivision. PROVIDED, That this exemption shall not be deemed to apply to public utility districts and public power authorities, nor shall this exemption be deemed to apply if [the state or any political subdivision thereof or any instrumentality of this state or its political subdivisions] any political subdivision of this state or of any instrumentality of a political subdivision voluntarily elects coverage for all or any distinct class or group of individuals in its employ. [AND PROVIDED FURTHER, That the state or any political subdivision thereof or any instrumentality of this state or its political subdivisions is hereby authorized to pay to the unemployment compensation division for the unemployment compensation fund contributions required of employers by the provisions of this title.] PROVIDED FURTHER, That no political subdivision of this state or any instrumentality of a political subdivision may ever under the provisions of this section services performed in its employ subsequent to December 31, 1971 and that any election for such coverage shall be canceled as of December 31, 1971.

Any political subdivision of this state or any instrumentality of a political subdivision is hereby authorized to pay to the unemployment compensation division for the unemployment compensation fund contributions required of employers by the provisions of this title for services performed for such employer prior to January 1, 1972.

Sec. 10. Section 31, chapter 35, Laws of 1945 and RCW 50.04.300 are each amended to read as follows:

"State" includes, in addition to the states of the United States of America, [Alaska, Hawaii, and] the District of Columbia and the Commonwealth of Puerto Rico.

Sec. 11. Section 44, chapter 35, Laws of 1945 as last amended by section 1, chapter 266, Laws of 1959 and RCW 50.12.050 are each amended to read as follows.

As used in this section the terms "other state" and "another state" shall be deemed to include any state or territory of the United States, the District of Columbia and any foreign government and, where applicable, shall also be deemed to include the federal government or provisions of a law of the federal government, as the case may be.

As used in this section the term "claim" shall be deemed to include whichever of the

following terms is applicable to wit: "Application for initial determination" "claim for waiting period credit", or "claim for benefits"

The commissioner [may] shall enter into an agreement with any other state whereby in the event an individual files a claim in another state against wages earned in employment in this state, or against wage credits earned in this state and in any other state or who files a claim in this state against wage credits earned in employment in any other state, or against wages earned in this state and in any other state, the claim will be paid by this state or another state as designated by the agreement in accordance with a determination on the claim as provided by the agreement and pursuant to the qualification and disqualification provisions of this title or under the provisions of the law of the designated paying state (including another state) or under such a combination of the provisions of both laws as shall be determined by the commissioner as being fair and reasonable to all affected interests and whereby the wages of such individual if earned in two or more states (including another state) may be combined, and further whereby this state or another state shall reimburse the paying state in an amount which shall bear the same ratio to the amount of benefits already paid as the amount of wage credits transferred by this state or another state and used in the determination, bear to the total wage credits used in computing the claimant's maximum amount of benefits potentially payable.

Whenever any claim is filed by an individual involving the combination of wages or a reciprocal arrangement for the payment of benefits, which is governed by the provisions of this section, the employment security department of this state, when not designated as the paying state, shall promptly make a report to the other state making the determination, showing wages earned in employment in this state.

The commissioner is hereby authorized to make to another state and to receive from another state reimbursements from or to the unemployment compensation fund in accordance with arrangements made pursuant to the provisions of this section.

**NFW SECTION Sec 12** There is added to chapter 35, Laws of 1945 and to Title 50 RCW a new section to read as follows:

No otherwise eligible individual shall be denied benefits for any week because he is in training with the approval of the commissioner nor shall such individual be denied benefits with respect to any week in which he is in training with the approval of the commissioner by reason of the application of subdivision (3) of RCW 50 20 010 relating to availability for work and active search for work, or RCW 50 20 180 relating to failure to apply for or refusal to accept suitable work.

**Sec. 13.** Section 89, chapter 35, Laws of 1945 as last amended by section 8, chapter 2, Laws of 1970 ex. sess. and RCW 50.24.010 are each amended to read as follows.

Contributions shall accrue and become payable by each employer *except employers as described in section 18 of this 1971 amendatory act who have properly elected to make payments in lieu of contributions and those employers who are required to make payments in lieu of contributions*, for each calendar year in which he is subject to this title at the rate of two and seven-tenths percent of wages paid each employee, except for such rates as determined for qualified employers according to chapter 50 29 RCW. **PROVIDED** That if, as of any June 30th, the amount in the unemployment compensation fund is less than three and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, contributions for the following calendar year for all employers shall be payable at the rate of three percent of wages subject to tax.

The amount of wages subject to tax for each individual as of January 1, 1971, shall be four thousand two hundred dollars. If the amount in the unemployment compensation fund on any June 30th, after January 1, 1971, is less than four and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, the amount of wages subject to tax shall increase on the January 1st next following by six hundred dollars. **PROVIDED** That the amount of wages subject to tax in any calendar year shall not exceed seventy-five percent of the "average annual wage" for the second preceding calendar year rounded to the next lower multiple of three hundred dollars.

In making computations under this section and RCW 50 29 010, wages paid based on services for employers making payments in lieu of contributions shall not be considered remuneration. Moneys paid from the fund based on services performed for employers who make payments in lieu of contributions, which have not been reimbursed to the fund as of any June 30 shall be deemed an asset of the unemployment compensation fund, to the extent that such moneys exceed the amount of payments in lieu of contributions which the commissioner has previously determined to be uncollectible. **PROVIDED FURTHER** That the amount attributable to employment with the state shall also include interest as provided for in section 19 of this 1971 amendatory act.

Contributions shall become due and be paid by each employer to the treasurer for the unemployment compensation fund in accordance with such regulations as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in employment of the employer. Any deduction in violation of the provisions of this section shall be unlawful.

In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

**Sec 14** Section 104, chapter 35, Laws of 1945 as last amended by section 6, chapter 266, Laws of 1959 and RCW 50.24.180 are each amended to read as follows:

Any employing unit for which services that do not constitute employment as defined in this title are performed [ , or this state or any political subdivisions thereof or any instrumentality of this state or its political subdivisions ] may file with the commissioner a written election that all such services performed by any distinct class or group of individuals or by all individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this title for not less than two calendar years. Upon the written approval of such election by the commissioner such services shall be deemed to constitute employment subject to this title from and after the date stated in such approval. *PROVIDED, HOWEVER, That any political subdivision of this state or any instrumentality of a political subdivision may elect coverage in accordance with the provisions of section 20 of this 1971 amendatory act as a matter of right. [Such] Services covered pursuant to this section shall cease to be deemed employment subject hereto as of January 1st of any calendar year subsequent to such two calendar years, only if the employing unit files with the commissioner prior to the fifteenth day of January of such year a written application for termination of coverage.*

*NEW SECTION* Sec. 15 There is added to chapter 35, Laws of 1945 and to Title 50 RCW a new section to read as follows:

Delinquent payments in lieu of contributions due the unemployment compensation fund and the interest thereon may be recovered from any of the political subdivisions of this state or any instrumentality of a political subdivision of this state by civil action. The governor is authorized to deduct the amount of delinquent payments in lieu of contributions and interest thereon from any moneys payable by the state to said political subdivisions or instrumentalities and pay such moneys to the commissioner for deposit in the appropriate account.

Sec. 16. Section 10, chapter 2, Laws of 1970 ex. sess. and RCW 50 29 010 are each amended to read as follows:

As used in this chapter

"Computation date" means July 1st of any year;

"Cut-off date" means August 31st next following the computation date;

"Rate year" means the calendar year immediately following the computation date;

"Experience rating year" is the twelve-month period beginning with July 1st of one calendar year and ending on June 30th of the following calendar year;

"Payroll" means all wages (as defined for contribution purposes) paid by an employer to individuals in his employment;

"Acquire" means the right to occupy or use the operating assets formerly in the possession of a predecessor employer whether that acquisition be by purchase, lease, gift, or by any legal process;

"Qualified employer" means (1) Any employer as of the computation date who has some employment in the twelve month period immediately preceding April 1st of the first of the three consecutive calendar years immediately preceding the computation date and who had no period of four or more consecutive calendar quarters in such three years for which he reported no employment, except that no employer shall be deemed a qualified employer unless all contributions required under this title from him or his predecessors for the thirty-six month period immediately preceding the computation date have been paid prior to the cut-off date, or (2) Any employer as of the computation date who has not been subject to this title for a period of time sufficient to be classified as a qualified employer under the provision of subdivision (1) of this paragraph but who had some employment in the twelve-month period immediately preceding April 1st of the first of the two consecutive calendar years immediately preceding the computation date and who had no period of four or more consecutive calendar quarters in such two years for which he reported no employment, except that no employer shall be deemed a qualified employer unless all contributions required under this title from him or his predecessors for the twenty-four month period immediately preceding the computation date have been paid prior to the cut-off date. *PROVIDED, That when an employer or prospective employer has acquired all or substantially all of the operating assets of an employer, or has acquired an operating department, section, division or any substantial portion of the business or assets of any employer, which is clearly segregable and identifiable for experience rating purposes, the payroll record and benefit charges of the transferring employer shall be divided between the transferring and acquiring employers in proportion to the payrolls for the four preceding completed calendar quarters attributable to the operating assets retained and conveyed. The successor employer liable for contributions on the acquired business from the date the transfer of the business occurred. The separate account of a predecessor or that part thereof which is transferred shall become the separate account or part of separate account as the case may be of the successor employer.*

"Surplus" is an amount of moneys in the unemployment compensation fund deemed in excess of the amount needed to insure the solvency of the fund. The "surplus" is determined in the following manner:

(1) For computations prior to January 1, 1974, the total remuneration paid during the calendar year preceding the computation date shall be multiplied by four percent and the product shall be subtracted from the amount in the fund as of the June 30th immediately preceding the computation date. If that balance is at least one-tenth of one percent of the total remuneration paid during the calendar year, that portion of the balance not exceeding forty one-hundredths of one percent of the total remuneration paid during the preceding calendar year shall be deemed "surplus". Total remuneration paid in this

computation is limited to remuneration paid during the calendar year preceding the computation date and reported to the department of employment security on or before the March 31st immediately preceding the computation date.

(2) For computations subsequent to January 1, 1974, the allowable "surplus" shall be computed by use of the following table. Column A represents the ratio of the unemployment compensation fund as of the June 30th preceding the computation date to total remuneration for the preceding calendar year. The percentage figures in Column B represent a maximum percentage of total remuneration during the preceding calendar year which may be deemed as "surplus" in view of the corresponding figures in Column A. No amount of the fund shall be declared surplus if the balance in the fund as of the June 30th immediately preceding the computation date is not at least one-tenth of one percent of total remuneration paid during the preceding calendar year in excess of four percent of total remuneration paid during the preceding calendar year. The percentage amount of total remuneration during the preceding calendar year, Column B, may be deemed surplus only to the extent that the balance remaining in the unemployment compensation fund exceeds four percent of the total remuneration paid during the preceding calendar year. Total remuneration paid in this computation is limited to remuneration paid during the calendar year preceding the computation date and reported to the department of employment security on or before the March 31st immediately preceding the computation date.

Column A	Column B
4.1% but less than 4.8%	0.40%
4.8% but less than 5.2%	0.55%
5.2% or more	0.70%

(3) In all computations of "surplus" moneys paid from the fund, based on services performed for employers who make payments in lieu of contributions which have not been reimbursed to the fund as of any June 30 shall be deemed an asset of the unemployment compensation fund, to the extent that such moneys exceed the amount of payments in lieu of contributions which the commissioner has previously determined to be uncollectible. PROVIDED FURTHER, That the amount attributable to employment with the state shall also include interest as provided for in section 19 of this 1971 amendatory act.

NEW SECTION Sec. 17. Sections 18 through 25 of this 1971 amendatory act are added to chapter 35, Laws of 1945 and to Title 50 RCW as a new chapter therein, such chapter to be entitled "Special Coverage Provisions".

NEW SECTION Sec. 18. Services performed subsequent to December 31, 1971, by an individual in the employ of a religious, charitable, educational or other organization which is excluded from the term "employment" as defined in the federal unemployment tax act solely by reason of section 3306(c)(8) of that act shall be deemed services performed in employment unless such service is exempted under section 21 of this 1971 amendatory act.

Such organization shall make payments to the unemployment compensation fund based on such services in accordance with the provisions of section 23 of this 1971 amendatory act.

NEW SECTION Sec. 19. Commencing with benefit years beginning on or after the effective date of this 1971 amendatory act, services performed subsequent to September 30, 1969 in the employ of this state or any of its wholly owned instrumentalities shall be deemed services in employment unless such services are excluded from the term employment by section 21 of this 1971 amendatory act.

The state shall make payments in lieu of contributions with respect to benefits attributable to such employment as provided with respect to nonprofit organizations in subsections (2) and (3) of section 23 of this 1971 amendatory act: PROVIDED, HOWEVER, That no payment will be required from the state until the expiration of the twelve month period following the end of the biennium in which the benefits attributable to such employment were paid. The amount of this payment shall include an amount equal to the amount of interest that would have been realized for the benefit of the unemployment compensation trust fund had such payments been received within thirty days after the day of the quarterly billing provided for in section 23(2)(a) of this 1971 amendatory act.

NEW SECTION Sec. 20. Any political subdivision of this state or any instrumentality of a political subdivision may elect to cover the services of all or any distinct class or group of individuals in its employ. PROVIDED, HOWEVER, That public utility districts and public power authorities may not elect coverage under this section: PROVIDED FURTHER, That any political subdivision of this state or any instrumentality of a political subdivision which elects to cover the services of any employees in an institution of higher education or hospital operated by said political subdivision or instrumentality shall cover the services of all employees in all institutions of higher education and all hospitals operated by said political subdivision or instrumentality.

For the purposes of this chapter the term "hospital" means any institution primarily engaged in the treatment of emotional or physical disability which provides, on a regular basis, twenty-four hour per day bed care under the supervision of licensed medical personnel and those components, of other institutions, which are primarily engaged in the treatment of emotional or physical disability and which provide, on a regular basis, twenty-four hour per day bed care under the supervision of licensed medical personnel.

For the purpose of this chapter, the term "institution of higher education" means an educational institution in this state which

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized within this state to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation, and

(4) Is a public or other nonprofit institution.

(5) Notwithstanding any of the foregoing subsections, all colleges and universities in this state are "institutions of higher education".

Services covered by the election performed subsequent to the date of such election shall be deemed services in employment unless such services are excluded from the term "employment" by section 21 of this 1971 amendatory act.

Any political subdivision or instrumentality electing coverage shall make payments in lieu of contributions with respect to benefits attributable to such employment as provided with respect to nonprofit organizations in subsections (2) and (3) of section 23 of this 1971 amendatory act.

An election under the provisions of this section shall be for no less than two calendar years. A political subdivision or instrumentality of a political subdivision desiring to terminate coverage may do so by filing a written application for termination of coverage no later than the December fifteenth preceding the calendar year with respect to which such termination is to be effective. Termination of coverage will not relieve the political subdivision or instrumentality of a political subdivision of the obligation to reimburse the unemployment compensation fund for all benefits paid attributable to service performed during the covered period in the employ of such political subdivision or instrumentality of a political subdivision.

**NEW SECTION. Sec. 21.** The term "employment" as used in section 18, 19, and 20 of this 1971 amendatory act shall not include service performed:

(1) In the employ of (a) a church or convention or association of churches, or (b) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(2) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(3) In the employ of a nongovernmental educational institution which is not an "institution of higher education"; or

(4) In a facility conducted for the purpose of carrying out a program of (a) rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or (b) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

(5) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by a federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work-relief or work-training, or an agency of a state or political subdivision thereof, by an individual receiving such work-relief or work-training; or

(6) For a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution; or

(7) In the employ of a hospital, if such service is performed by a patient of such hospital; or

(8) In the employ of a school, college, or university, if such service is performed (a) by a student who is enrolled and is regularly attending classes at such school, college, or university, or (b) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that (i) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (ii) such employment will not be covered by any program of unemployment insurance; or

(9) By an individual under the age of twenty two who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employee, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

(10) In the employ of the state or one of its instrumentalities or a political subdivision or one of its instrumentalities by an individual who is (a) occupying an elective office, or (b) who is compensated solely on a fee or per diem basis.

**NEW SECTION. Sec. 22.** Benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title except that benefits based on service in an instructional, research or principal administrative



capacity in an educational institution shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any educational institution or institutions for both such academic years or both such terms PROVIDED, HOWEVER, That, any employee of a common school district who is conclusively presumed to have been re-employed pursuant to RCW 28A.67.070 shall be deemed to have a contract for the ensuing term.

**NEW SECTION Sec. 23. Benefits paid to employees of "nonprofit organizations"** shall be furnished in accordance with the provisions of this section. For the purpose of this section and section 24 of this 1971 amendatory act, the term "nonprofit organization" is limited to those organizations described in section 18 of this 1971 amendatory act and joint accounts composed exclusively of such organizations.

(1) Any nonprofit organization which is, or becomes subject to this title on or after January 1, 1972 shall pay contributions under the provisions of RCW 50.24.010, unless it elects, in accordance with this subsection, to pay to the commissioner for the unemployment compensation fund an amount equal to the full amount of regular and additional benefits and one-half of the amount of extended benefits paid to individuals for weeks of unemployment which begin during the effective period of such election to the extent that such payments are attributable to service in the employ of such nonprofit organization.

(a) Any nonprofit organization which is, or becomes, subject to this title on January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than one taxable year beginning with January 1, 1972 PROVIDED, That it files with the commissioner a written notice of its election within the thirty-day period immediately following such date.

(b) Any nonprofit organization which becomes subject to this title after January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than twelve months beginning with the date on which such subjectivity begins by filing a written notice of its election with the commissioner or later than thirty days immediately following the date of the determination of such subjectivity.

(c) Any nonprofit organization which makes an election in accordance with paragraphs (a) or (b) of this subsection will continue to be liable for payments in lieu of contributions until it files with the commissioner a written notice terminating its election not later than thirty days prior to the beginning of the taxable year for which such termination shall first be effective.

(d) Any nonprofit organization which has been paying contributions under this title for a period subsequent to January 1, 1972 may change to a reimbursable basis by filing with the commissioner not later than thirty days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

(e) The commissioner may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.

(f) The commissioner, in accordance with such regulations as he may prescribe, shall notify each nonprofit organization of any determination which he may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Any nonprofit organization subject to such determination and dissatisfied with such determination may file a request for review and redetermination. If denied, the organization may, within ten days of the mailing of such notice of denial file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this paragraph.

(2) Payments in lieu of contributions shall be made in accordance with the provisions of this section including either paragraph (a) or (b) of this subsection.

(a) At the end of each calendar quarter, the commissioner shall bill each nonprofit organization or group of such organizations which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular and additional benefits plus one-half of the amount of extended benefits paid during such quarter that is attributable to service in the employ of such organization.

(b)(i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make such payments as provided in this paragraph. Such method of payment shall become effective upon approval by the commissioner.

(ii) At the end of each calendar quarter, or at the end of such other period as determined by the commissioner, the commissioner shall bill each nonprofit organization for an amount representing one of the following:

(A) For 1972, six-tenths of one percent of its total payroll for 1971.

(B) For years after 1972, such percentage of its total payroll for the immediately preceding calendar year as the commissioner shall determine. Such determination shall be based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year.

(C) For any organization which did not pay wages throughout the four calendar

quarters of the preceding calendar year, such percentage of its payroll during such year as the commissioner shall determine.

(iii) At the end of each taxable year, the commissioner may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.

(iv) At the end of each taxable year, the commissioner shall determine whether the total of payments for such year made by a nonprofit organization is less than, or in excess of, the total amount of regular and additional benefits plus one half of the amount of extended benefits paid to individuals during such taxable year based on wages attributable to service in the employ of such organization. Each nonprofit organization whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with paragraph (a). If the total payments exceed the amount so determined for the taxable year all of the excess payments will be retained in the fund as part of the payments which may be required for the next taxable year, or a part of the excess may, at the discretion of the commissioner, be refunded from the fund or retained in the fund as part of the payments which may be required for the next taxable year.

(c) Payment of any bill rendered under paragraph (a) or (b) shall be made not later than thirty days after such bill was mailed to the last known address of the nonprofit organization or was otherwise delivered to it, and if not paid within such thirty days, the reimbursement payments itemized in the bill shall be deemed to be delinquent and the whole or part thereof remaining unpaid shall bear interest from and after the end of such thirty days at the rate and in the manner set forth in RCW 50.24.040.

(d) Payments made by any nonprofit organization under the provisions of this section shall not be deducted or deductible in whole or in part, from the remuneration of individuals in the employ of the organization. Any deduction in violation of the provisions of this paragraph shall be unlawful.

(3) Each employer that is liable for payments in lieu of contributions shall pay to the commissioner for the fund the total amount of regular and additional benefits plus the amount of one half of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of paragraph (a) or (b) of this subsection.

(a) If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer bear to the total base period wages paid to the individual by all of his base-period employers.

(b) If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base period wages paid to the individual by all of his base-period employers.

(4) Notwithstanding any other provisions in this section, any nonprofit organization which prior to January 1, 1969, paid contributions into the unemployment compensation fund, and pursuant to this section, elects, within thirty days after January 1, 1972 to make payments in lieu of contributions, shall not be required to make any such payment on account of any regular, additional, or extended benefits paid, on the basis of wages paid by such organization to individuals for weeks of unemployment which begin on or after the effective date of such election until the total amount of such benefits equals the amount of the positive balance in the experience rating account of such organization.

**NEW SECTION. Sec. 24.** In the discretion of the commissioner, any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required within thirty days after the effective date of its election, to execute and file with the commissioner a surety bond approved by the commissioner or it may elect instead to deposit with the commissioner money or securities. The amount of such bond or deposit shall be determined in accordance with the provisions of this section.

(1) The amount of the bond or deposit required by this subsection shall be equal to two and four tenths percent of the organization's total wages paid for employment as defined in section 18 of this 1971 amendatory act for the four calendar quarters immediately preceding the effective date of the election, the renewal date in the case of a bond, or the biennial anniversary of the effective date of election in the case of a deposit of money or securities, whichever date shall be most recent and applicable. If the nonprofit organization did not pay wages in each of such four calendar quarters, the amount of the bond or deposit shall be as determined by the commissioner.

(2) Any bond deposited under this section shall be in force for a period of not less than two taxable years and shall be renewed with the approval of the commissioner, at such times as the commissioner may prescribe, but not less frequently than at two-year intervals as long as the organization continues to be liable for payments in lieu of contributions. The

commissioner shall require adjustments to be made in a previously filed bond as he deems appropriate. If the bond is to be increased, the adjusted bond shall be filed by the organization within thirty days of the date notice of the required adjustment was mailed or otherwise delivered to it. Failure by any organization covered by such bond to pay the full amount of payments in lieu of contributions when due, together with any applicable interest and penalties provided for in this title, shall render the surety liable on said bond to the extent of the bond, as though the surety was such organization.

(3) Any deposit of money or securities in accordance with this section shall be retained by the commissioner in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The commissioner may deduct from the money deposited under this section by a nonprofit organization or sell the securities it has so deposited to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalties provided for in this act. The commissioner shall require the organization within thirty days following any deduction from a money deposit or sale of deposited securities under the provisions of this subsection to deposit sufficient additional money or securities to make whole the organization's deposit at the prior level. Any cash remaining from the sale of such securities shall be a part of the organization's escrow account. The commissioner may, at any time review the adequacy of the deposit made by any organization. If, as a result of such review, he determines that an adjustment is necessary he should require the organization to make an additional deposit within thirty days of written notice of his determination or shall return to it such portion of the deposit as he no longer considers necessary, whichever action is appropriate. Disposition of income from securities held in escrow shall be governed by the applicable provisions of the state law.

(4) If any nonprofit organization fails to file a bond or make a deposit, or to file a bond in an increased amount or to increase or make whole the amount of a previously made deposit, as provided under this section, the commissioner may terminate such organization's election to make payments in lieu of contributions and such termination shall continue for not less than the four-consecutive-calendar-quarter period beginning with the quarter in which termination becomes effective. PROVIDED That the commissioner may extend for good cause the applicable filing, deposit or adjustment period by not more than thirty days.

**NEW SECTION.** See 25 Sections 18 through 24 of the 1971 amendatory act have been enacted to meet the requirements imposed by the federal unemployment tax act as amended by PL 91-372. Internal references in any section of this 1971 amendatory act to the provisions of that act are intended only to apply to those provisions as they existed as of the effective date of this 1971 amendatory act.

In view of the importance of compliance of this 1971 amendatory act with the federal unemployment tax act, any ambiguities contained herein should be resolved in a manner consistent with the provisions of that act. Considerable weight has been given to the commentary contained in that document entitled "Draft Legislation to Implement the Employment Security Amendments of 1970 . . . H.R. 14705", published by the United States Department of Labor, Manpower Administration, and that commentary should be referred to when interpreting the provisions of this 1971 amendatory act.

Language in this 1971 amendatory act concerning the extension of coverage to employers entitled to make payments in lieu of contributions should in a manner consistent with the foregoing paragraph, be construed so as to have a minimum impact on the experience rating provisions of this title.

**NEW SECTION.** Sec. 26. Section 20, chapter 35, Laws of 1945 and RCW 50.04.190 are each repealed effective December 31, 1971.

**NEW SECTION.** Sec. 27. This 1971 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and its existing institutions, and shall take effect immediately.

On motion of Senator Lewis, the following amendment to the title by Senators Stortini, Lewis and McDougall was adopted.

Strike all of the title and insert the following:

An Act relating to unemployment compensation: amending section 8, chapter 35, Laws of 1945 as amended by section 1, chapter 215, Laws of 1951 and RCW 50.04.070, amending section 8, chapter 266, Laws of 1959 and RCW 50.04.072, amending section 9, chapter 35, Laws of 1945 as amended by section 2, chapter 214, Laws of 1949 and RCW 50.04.080, amending section 12, chapter 35, Laws of 1945 and RCW 50.04.110, amending section 13, chapter 35, Laws of 1945 and RCW 50.04.115, amending section 21, chapter 35, Laws of 1945 as last amended by section 1, chapter 8, Laws of 1953 ex sess. and RCW 50.04.200, amending section 31, chapter 35, Laws of 1945 and RCW 50.04.300, amending section 44, chapter 35, Laws of 1945 as last amended by section 1, chapter 266, Laws of 1959 and RCW 50.12.050, amending section 80, chapter 35, Laws of 1945 as last amended by section 8, chapter 2, Laws of 1970 ex sess. and RCW 50.24.010, amending section 104, chapter 35, Laws of 1945 as last amended by section 6, chapter 266, Laws of 1959 and RCW 50.24.160, amending section 10, chapter 2, Laws of 1970 ex sess. and RCW 50.29.010, repealing section 20, chapter 35, Laws of 1945 and RCW 50.04.190, adding new sections to chapter 35, Laws of 1945 and to Title 50 RCW, establishing effective dates, and declaring an emergency.

On motion of Senator Stortini, the rules were suspended, Engrossed Senate Bill No.



120 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 120, and the bill passed the Senate by the following vote: Yeas, 47, absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Absent or not voting: Senator Fleming—1.

Excused: Senator Gissberg—1.

ENGROSSED SENATE BILL NO. 120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Lewis, Engrossed Senate Bill No. 120 was ordered immediately transmitted to the House.

#### MOTION

At 11:40 a.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Wednesday, January 27, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate

## SEVENTEENTH DAY

## MORNING SESSION

Senate Chamber Olympia, Wash., Wednesday, January 27, 1971.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Tim Lewis, Color Bearer, and Jana Shiers presented the Colors. Reverend Charles Howard Perry, rector of St. John's Episcopal Church of Olympia, offered prayer as follows:

"Almighty God, how can we know Thee? In the midst of noise and confusion, the pressures from groups on the one side and on the other—how can we find Thee? As we concern ourselves with the needs of those whom we serve, how do we have time to serve Thee? Our Father, help us to be still and know You again in our hearts today. Help us to be calm in spirit and to be in the quiet of our office or in the business of this room. Grant that we may not surrender ourselves to anyone but You, and so be Your servants. Through Jesus Christ our Lord. Amen."

On motion of Senator Greive, the reading of the Journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

January 25, 1971.

SENATE BILL NO. 88, authorizing the state building authority to lease land from the state or its agencies (reported by Committee on State Government).

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Atwood, Day, Elicker, Gardner, Henry, Jolly, Lewis, Newshwander.

Passed to Committee on Rules and Joint Rules for second reading.

January 25, 1971.

SENATE BILL NO. 125, providing changes in approval of persons for participation in work release programs (reported by Committee on Public Institutions).

Recommendation: Do pass.

Signed by: Senators Odegaard, Chairman; Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

January 26, 1971.

SENATE BILL NO. 157, providing certain changes in the law relating to the mentally ill (reported by Committee on Public Institutions).

Recommendation: Do pass as amended.

Signed by: Senators Odegaard, Chairman; Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

January 27, 1971.

HOUSE JOINT MEMORIAL NO. 4, memorializing Congress concerning U.S. prisoners of war in Vietnam (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs):

Recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Canfield, Durkan, Henry, Jolly, Lewis, Mardesich, McCutcheon, Murray, Scott, Whetzel.

On motion of Senator Greive, the rules were suspended, House Joint Memorial No. 4 was advanced to second reading and read the second time in full.

On motion of Senator Wilson, the rules were suspended, House Joint Memorial was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4, and the memorial passed the Senate by the following vote: Yeas, 49

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greve, Guess, Henry, Herr, Holman, Huntley, Joly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stormt, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49

HOUSE JOINT MEMORIAL NO. 4, having received the constitutional majority was declared passed.

## MESSAGES FROM THE HOUSE

January 26, 1971.

Mr. President: The Speaker has signed SENATE BILL NO. 171, and the same is herewith transmitted MALCOLM McBEATH, Chief Clerk.

January 26 1971.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 199, and the same is herewith transmitted MALCOLM McBEATH Chief Clerk.

January 27, 1971

Mr. President: The House has concurred in the Senate amendment to HOUSE CONCURRENT RESOLUTION NO. 6 and has adopted the resolution as amended by the Senate. MALCOLM McBEATH, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 213, by Senators Holman, Day and Woodall:

An Act relating to consumer credit and financing; adopting a uniform consumer credit code, amending section 1, chapter 80, Laws of 1899 and RCW 19 52.010, repealing chapter 172, Laws of 1923, chapter 186, Laws of 1925 ex. sess. chapter 71, Laws of 1929, chapter 95, Laws of 1939, chapter 19, Laws of 1941 and RCW 31 04 010 through 31 04 260; repealing chapter 208, Laws of 1941, chapter 212, Laws of 1959 section 1 chapter 180, Laws of 1967 and RCW 31 08 010 through 31 08.270 and 31 08 900 through 31 08 920; repealing sections 2 and 7, chapter 80, Laws of 1899, sections 2 through 7, chapter 23, Laws of 1967 ex. sess., and RCW 19 52 005 and 19 52 020 through 19 52 036, repealing chapter 236, Laws of 1963, chapter 234, Laws of 1967, chapter 2, Laws of 1969, and RCW 63 14 010 through 63 14.210 and 63 14 900 through 63 14.921, providing penalties; providing effective dates, and declaring an emergency.

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO. 214, by Senators Connor, Ridder and Peterson (Ted):

An Act relating to alcoholism; and adding new sections to chapter 70.96 RCW.

Referred to Committee on Public Institutions.

SENATE BILL NO. 215, by Senators Connor and Peterson (Ted):

An Act relating to alcoholism, and adding a new section to chapter 70 96 RCW.

Referred to Committee on Public Institutions.

SENATE BILL NO. 216, by Senators Atwood, Foley and Mardesich:

An Act relating to the registration of escrow agents, amending section 2, chapter 153, Laws of 1965 as amended by section 1, chapter 76, Laws of 1967 ex. sess. and RCW 18 44 020, amending section 4, chapter 153, Laws of 1965 and RCW 18 44.040 amending section 5, chapter 153, Laws of 1965 and RCW 18 44 050; amending section 7, chapter 153, Laws of 1965 and RCW 18 44.070; amending section 8, chapter 153, Laws of 1965 and RCW 18.44.080, amending section 16, chapter 153, Laws of 1965 and RCW 18 44.150; amending section 17, chapter 153, Laws of 1965 and RCW 18 44 160, and adding new sections to chapter 153, Laws of 1965 and to chapter 18 44 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 217, by Senators Ridder, McDougall and Mardesich.

An Act relating to education, providing that no student enrolled in postgraduate studies at any state college or university shall be compelled to pay an incidental fee for student activities, student body association, or student athletic privileges, and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 288.15 RCW.

Referred to Committee on Higher Education and Libraries.

SENATE BILL NO. 218, by Senators Twigg and Guess.

An Act relating to municipal airports; and adding a new section to chapter 182, Laws of 1945 and to chapter 14 08 RCW.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 219, by Senators Twigg and Guess.

An Act relating to first class cities; and amending section 35 22.280, chapter 7, Laws of 1965 as amended by section 2, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.280

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 220, by Senators McDougall, Huntley and Wilson

An Act relating to counties; providing that salaries of county officers and court reporters shall remain the same despite a reduction in county class due to a loss of population; amending section 1, chapter 210, Laws of 1951 as last amended by section 1, chapter 95, Laws of 1969, and RCW 2 32.210; and adding a new section to chapter 4, Laws of 1963 and to chapter 36 13 RCW

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 221, by Senators Odegaard, Canfield and Ridder (by Joint Committee on Education request).

An Act relating to education; amending section 28A 41.130, chapter 223, Laws of 1969 ex. sess. as amended by section 2 chapter 138, Laws of 1969 and RCW 28A.41.130; and declaring an emergency

Referred to Committee on Education.

SENATE BILL NO. 222, by Senators Gissberg, Whetzel and Durkan:

An Act relating to trusts; and creating new sections.

Referred to Judiciary Committee.

SENATE BILL NO. 223, by Senators Gissberg, Whetzel and Durkan:

An Act relating to not for profit corporations, and adding a new chapter to Title 24 RCW

Referred to Judiciary Committee

SENATE BILL NO. 224, by Senators Matson, Canfield, Woodall, Ridder and Francis:

An Act relating to juvenile courts; and creating a new section.

Referred to Judiciary Committee.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 224.

SENATE BILL NO. 225, by Senators Lewis and Bailey (by departmental request)

An Act relating to state government, and amending section 43 31.040, chapter 8, Laws of 1965 as last amended by section 2, chapter 221, Laws of 1967, and RCW 43.31.040

Referred to Committee on State Government.

SENATE BILL NO. 226, by Senators Woodall, Day, Matson and Twigg.

An Act relating to condemnation actions; requiring the state to pay certain costs; and creating a new section

Referred to Judiciary Committee

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 226

SENATE BILL NO. 227, by Senators Holman and Washington (by departmental request):

An Act relating to the provision of emergency medical care and limiting the liability of licensed physicians or hospitals.

Referred to Judiciary Committee.

SENATE BILL NO. 228, by Senators Francis, Elsker and Ridder (by departmental request):

An Act relating to state government; providing for the control of pet animals transmitting disease communicable to human beings, by the department of social and health services; creating new sections, and prescribing penalties.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO. 229 by Senators Odgaard, Metcalf and Ridder (by Joint Committee on Education request):

An Act relating to state institutions, amending section 1, chapter 294, Laws of 1927 as last amended by section 1, chapter 73, Laws of 1970 ex sess, and RCW 19.20.020, amending section 72.60.130, chapter 28, Laws of 1959 and RCW 72.60.130, and adding a new section to chapter 19.20 RCW

Referred to Committee on Public Institutions

SENATE BILL NO. 230, by Senators Ridder, Peterson (Lowell) and Mardesich:

An Act relating to insurance; adding a new section to chapter 48.27 RCW; and prescribing penalties.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 231, by Senators Newschwander, Day and McDougall:

An Act relating to dental hygienists, and amending section 27, chapter 16, Laws of 1923 as amended by section 4, chapter 47, Laws of 1969 and RCW 18.29.050

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO. 232, by Senators Ridder, Keefe and Stender:

An Act relating to public employees' labor relations, amending section 10, chapter 108, Laws of 1967 ex sess and RCW 41.56.100, amending section 1, chapter 58, Laws of 1903 and RCW 49.08.010, and adding new sections to chapter 41.56 RCW.

Referred to Committee on Labor and Industrial Insurance

SENATE BILL NO. 233, by Senators Newschwander, Day and McDougall:

An Act relating to the practice of dentistry, and amending section 1 chapter 130, Laws of 1951 as last amended by section 7, chapter 47, Laws of 1969 and RCW 18.32.030

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO. 234, by Senators Wagren, Holman and Durkan:

An Act relating to civil service; amending section 7, chapter 13, Laws of 1937 as amended by section 2, chapter 95, Laws of 1963 and RCW 41.12.070; and amending section 10, chapter 1, Laws of 1959 as amended by section 3, chapter 95, Laws of 1963 and RCW 41.14.100

Referred to Committee on State Government.

SENATE BILL NO. 235, by Senators Holman, Bailey and Scott (by Cemetery Board request):

An Act relating to cemeteries, prearrangement contracts for burial services or merchandise; and the powers of the Washington state cemetery board, amending section 42, chapter 290, Laws of 1953 and RCW 68.05.130, amending section 43, chapter 290, Laws of 1953 and RCW 68.05.140, amending section 44, chapter 290, Laws of 1953 and RCW 68.05.150; amending section 45, chapter 290, Laws of 1953 and RCW 68.05.160; amending section 40, chapter 290, Laws of 1953 and RCW 68.05.180, amending section 5, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.255; and creating new sections.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO 236 by Senators Peterson (Lowell), Walgren, Herr and Connor.

An Act relating to revenue and taxation, amending section 84.69.020, chapter 15, Laws of 1961 as amended by section 1, chapter 224, Laws of 1969 ex. sess. and RCW 84.69.020; and creating a new section.

Referred to Committee on Ways and Means—Revenue and Taxation.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No 236.

SENATE BILL NO 237, by Senators Holman and Francis (by Judicial Council request):

An Act relating to attorneys' fees in divorce cases; and amending section 9, chapter 215, Laws of 1949 and RCW 26.08.090.

Referred to Judiciary Committee.

SENATE BILL NO. 238, by Senator Francis (by Judicial Council request):

An Act relating to the administrator for the courts, and amending section 1, chapter 259, Laws of 1957 as amended by section 1, chapter 93, Laws of 1969 and RCW 2.56.010.

Referred to Judiciary Committee.

SENATE BILL NO 239, by Senators Dore, Foley, Holman, Clarke and Francis (by Judicial Council request):

An Act relating to grand juries and criminal investigations, repealing section 3, chapter 48, Laws of 1891 and RCW 2.36.030, repealing section 1, chapter 9, Laws of 1951 and RCW 2.36.031; repealing section 2, chapter 90, Laws of 1951 and RCW 2.36.033, repealing section 5, chapter 57, Laws of 1911 and RCW 2.36.040, repealing section 45, page 110, Laws of 1854, section 163, page 220, Laws of 1873, section 977, Code of 1881, section 11, chapter 28, Laws of 1891 and RCW 10.28.010, repealing section 47, page 113, Laws of 1854, section 165, page 220, Laws of 1873, section 979, Code of 1881, section 12, chapter 28, Laws of 1891 and RCW 10.28.020, repealing section 46, page 110, Laws of 1854, section 164, page 220, Laws of 1873, section 978, Code of 1881 and RCW 10.28.030, repealing section 48, page 110, Laws of 1854, section 166, page 220, Laws of 1873, section 980, Code of 1881 and RCW 10.28.040, repealing section 49, page 110, Laws of 1854, section 167, page 220, Laws of 1873, section 981, Code of 1881, section 13, chapter 28, Laws of 1891 and RCW 10.28.050, repealing section 50, page 110, Laws of 1854, section 168, page 221, Laws of 1873, section 982, Code of 1881 section 1, chapter 74, Laws of 1939 and RCW 10.28.060, repealing section 52, page 110, Laws of 1854, section 170, page 221, Laws of 1873, section 984, Code of 1881, section 14, chapter 28, Laws of 1891 and RCW 10.28.070, repealing section 1, chapter 130, Laws of 1967 and RCW 10.28.075; repealing section 51, page 110, Laws of 1854, section 169, page 221, Laws of 1873, section 983, Code of 1881 and RCW 10.28.080, repealing section 179, page 239, Laws of 1869, section 184, page 224, Laws of 1873, section 1001, Code of 1881, section 17, chapter 28, Laws of 1891 and RCW 10.28.085; repealing section 53, part, page 111, Laws of 1854, section 1, page 19, Laws of 1865, section 171, page 221, Laws of 1873, section 985, Code of 1881, section 15, chapter 28, Laws of 1891 and RCW 10.28.090; repealing section 57, page 111, Laws of 1854, section 176, page 222, Laws of 1873, section 992, Code of 1881 and RCW 10.28.100; repealing section 53, page 111, Laws of 1854, section 172, page 221, Laws of 1873, section 989, Code of 1881 and RCW 10.28.110, repealing section 54, page 111, Laws of 1854, section 173, page 222, Laws of 1873, section 990, Code of 1881 and RCW 10.28.120, repealing section 986, Code of 1881 and RCW 10.28.130, repealing section

1, page 19, Laws of 1864, section 987, Code of 1881 and RCW 10.28.140; repealing sections 55 and 59, page 111, Laws of 1854, section 173, page 238, Laws of 1869, section 178, page 223, Laws of 1873, section 994, Code of 1881 section 1, chapter 150, Laws of 1925 ex. sess. and RCW 10.28.150; repealing section 996, Code of 1881 and RCW 10.28.160, repealing section 177, page 239, Laws of 1869, section 182, page 223, Laws of 1873, section 999, Code of 1881 and RCW 10.28.170, repealing section 178 page 239 Laws of 1869, section 183, page 224 Laws of 1873, section 1000, Code of 1881, section 16, chapter 28, Laws of 1891 and RCW 10.28.180, repealing section 2, page 20, Laws of 1864, section 988, Code of 1881 and RCW 10.28.190, repealing section 2, page 418, Laws of 1869, section 2104, Code of 1881 and RCW 10.28.195; repealing section 175, page 239 Laws of 1869, section 180 page 223, Laws of 1873, section 997, Code of 1881 and RCW 10.28.200, repealing section 176, page 239, Laws of 1869, section 181, page 233, Laws of 1873, section 998, Code of 1881 and RCW 10.28.210; repealing section 56, page 111, Laws of 1854, sections 175 and 181, pages 222 and 223, Laws of 1873, section 991, Code of 1881 and 10.28.215; repealing section 58, page 111, Laws of 1854, section 177, page 222, Laws of 1873, section 993. Code of 1881 and RCW 10.28.220; and providing penalties.

Referred to Judiciary Committee.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 239

SENATE BILL NO. 240, by Senators Francis and Holman (by Judicial Council request):

An Act relating to temporary leave for prisoners of state correctional institutions; defining crimes; and prescribing penalties

Referred to Committee on Public Institutions.

SENATE BILL NO. 241, by Senators Holman, Foley, Dore and Clarke (by Judicial Council request):

An Act relating to the judicial council; adding additional members; and amending section 1 chapter 45, Laws of 1925 ex. sess., as last amended by section 1, chapter 24 Laws of 1967 and RCW 2.52.010

Referred to Judiciary Committee.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 241.

SENATE BILL NO. 242, by Senator Holman (by Judicial Council request):

An Act relating to special rights of action and special immunities, and amending section 9 Code of 1881 as last amended by section 1, chapter 81, Laws of 1967 ex. sess. and RCW 4.24.010

Referred to Judiciary Committee.

SENATE BILL NO. 243, by Senators Holman and Clarke (by Judicial Council request):

An Act relating to courts; permitting electronic recording of proceedings, amending section 1, chapter 126, Laws of 1913 as last amended by section 1, chapter 244, Laws of 1957 and RCW 2.32.180; and adding new sections to chapter 2.32 RCW

Referred to Judiciary Committee

SENATE BILL No. 244, by Senators Holman and Francis (by Judicial Council request):

An Act relating to justice courts, justices of the peace and court clerks; amending section 3, chapter 299, Laws of 1961 and RCW 3.30.030; amending section 5, chapter 299, Laws of 1961 and RCW 3.30.050; amending section 7, chapter 299, Laws of 1961 and RCW 3.30.070; amending section 9, chapter 299, Laws of 1961 and RCW 3.30.090, amending section 18, chapter 299, Laws of 1961 and RCW 3.34.090; amending section 98, chapter 299, Laws of 1961 and RCW 3.54.010; amending section 99, chapter 299, Laws of 1961 and RCW 3.54.020, and amending section 106, chapter 299, Laws of 1961 as amended by section 2, chapter 199, Laws of 1969 ex. sess. and RCW 3.62.020

Referred to Judiciary Committee.

SENATE BILL NO 245, by Senators Dore, Francis and Conney (by Judicial Council request)

An Act relating to inferior courts, amending section 2, chapter 299, Laws of 1961 and RCW 3.30.020; and amending section 129, chapter 299, Laws of 1961 and RCW 3.74.920  
Referred to Judiciary Committee.

SENATE BILL NO 246, by Senators Dore, Holman, Foley and Clarke (by Judicial Council request).

An Act relating to juries; amending section 4, chapter 48, Laws of 1891, and RCW 2.36.050; amending section 1, chapter 43 Laws of 1903 as last amended by section 2, chapter 304, Laws of 1961 and RCW 4.44.100, amending section 185, page 164, Laws of 1854 as last amended by section 206 Code of 1881 and RCW 4.44.120; amending section 1, chapter 36, Laws of 1895 and RCW 4.44.380, and amending section 36.18.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 32, Laws of 1970 ex sess and RCW 36.18.020

Referred to Judiciary Committee.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 246

SENATE BILL NO. 247, by Senator Holman (by Judicial Council request).

An Act relating to criminal procedure.

Referred to Judiciary Committee.

SENATE BILL NO 248, by Senator Francis (by Judicial Council request).

An Act relating to elections, amending section 29.18.035, chapter 9, Laws of 1965 and RCW 29.18.035, amending section 29.18.060, chapter 9, Laws of 1965 and RCW 29.18.060, and adding new sections to chapter 9, Laws of 1965 and to chapter 29.21 RCW  
Referred to Committee on State Government.

SENATE BILL NO. 249, by Senator Holman (by Judicial Council request)

An Act relating to uniform rendition of accused persons; and adding a new chapter to Title 10 RCW

Referred to Judiciary Committee.

SENATE BILL NO 250, by Senator Francis (by Judicial Council request)

An Act relating to civil procedure, and amending section 374, page 202, Laws of 1854 as last amended by section 512, Code 1881 and RCW 4.84.080

Referred to Judiciary Committee.

SENATE BILL NO 251, by Senators Holman and Dore (by Judicial Council request)

An Act relating to filing fees, and amending section 1, chapter 249, Laws of 1953 as last amended by section 2, chapter 25, Laws of 1969 and RCW 27.24.070

Referred to Judiciary Committee

SENATE BILL NO 252, by Senators Holman and Foley (by Judicial Council request)

An Act relating to civil procedure, and amending section 3, chapter 43, Laws of 1955 and RCW 4.16.170

Referred to Judiciary Committee.

SENATE BILL NO. 253, by Senators Holman, Clarke and Francis (by Judicial Council request):

An Act relating to the annual conference of judges, and amending section 6, chapter 259, Laws of 1957 and RCW 2.56.060.

Referred to Judiciary Committee



## SENATE JOINT RESOLUTION NO. 20, by Senators Holman, Dore and Clarke

Providing a constitutional amendment to revise the judicial article of the state constitution.

Referred to Judiciary Committee

ENGROSSED HOUSE BILL NO. 199, by Representatives Wolf, Sawyer, Morrison, Brouillet, Conway, Copeland, Bauer, Beck, Berentson, Blair, Bottiger, Bradley, Connor, Costanti, Douthwaite, Farr, Gallagher, Gladder, Hansey, Jastad, Knowles, Kraabel, Kuehnle, Luders, Marzano, May, McCormick, McDermott, Mentor, North, Rabel, Ross, Savage, Smith, Van Dyk, Wanamaker, Anderson, Backstrom, Charney, Chatalas, Cunningham, Grant, Maxie and Merrill (by Executive request):

Conforming Washington unemployment compensation law to federal law generally

On motion of Senator Greive, the rules were suspended, Engrossed House Bill No. 199 was advanced to second reading and read the second time in full.

On motion of Senator Stortini, the rules were suspended, Engrossed House Bill No. 199 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

Debate ensued

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 199, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gussberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall - 47

Voting nay: Senators Guess, Twigg - 2.

ENGROSSED HOUSE BILL NO. 199, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## NOTICE OF INTENT

There being no objection, permission was granted Senator Guess to enter a statement in the Senate Journal regarding the vote on Engrossed House Bill No. 199.

## MOTION

At 11:50 a.m., on motion of Senator Greive, the Senate recessed until 1:45 p.m.

## AFTERNOON SESSION

The Senate was called to order at 1:45 p.m. by President Cherberg.

The Secretary called the roll and announced to the President that all members were present except Senators Dore, Foley, Francis, Greive, Herr, McCutcheon, Odgaard, Peterson (Lowell), Ridder, Sandison, Stender, Twigg and Walgren.

There being no objection, all absent Senators were excused.

At 1:45 p.m., the Senate retired to the House Chamber to meet in Joint Session as provided in House Concurrent Resolution No. 5 for the purpose of an address by Richard G. Capen, Jr., Assistant Secretary of Defense.

## JOINT SESSION

(See House Journal)

## SECOND AFTERNOON SESSION

The President called the Senate to order at 2.40 p.m.

## MOTION

At 2.45 p.m., on motion of Senator Greive, the Senate adjourned until 11.00 a.m., Thursday, January 28, 1971.

JOHN A. CHERBERG, President of the Senate,  
SIDNEY R. SNYDER, Secretary of the Senate.

## EIGHTEENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, January 28, 1971

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Murray and Whetzel. On motion of Senator McDougall, Senators Murray and Whetzel were excused.

The Color Guard, consisting of Pages Tim Day, Color Bearer, and Mariene Brde presented the Colors. Reverend Charles Howard Perry, rector of St. John's Episcopal Church of Olympia, offered prayer as follows:

"Our Father in Heaven, we praise You for the beauty and opportunity of human life. Give us a verve and a joy because we are here—alive and at work in Your world. May our vision not be limited to these four walls but may we see a world which You see of mountains and streams, of cities and towns, of people and nations at peace with one another on the earth. Earth bound as we are, may our spirits will be free. May we dare still to dream dreams of a better world and work towards its attainment. 'Where there is no vision the people perish', so said Your sage of old. Help us, O God, not to perish for lack of vision—through Jesus Christ our Lord. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## MESSAGE FROM THE GOVERNOR

Office of the Governor, January 16, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

GENTLEMEN.

I have the honor to advise that Governor Evans has approved the following Senate Bill, entitled:

SENATE BILL NO 171: Appropriating funds for legislative expense.

Sincerely,  
RICHARD W. HEMSTAD  
Legal Assistant.

#### MESSAGES FROM THE HOUSE

January 27, 1971.

Mr. President: The Speaker has signed  
HOUSE BILL NO. 199,  
HOUSE CONCURRENT RESOLUTION NO. 6,  
and the same are herewith transmitted MALCOLM McBEATH, Chief Clerk.

January 27, 1971.

Mr. President: The House has passed SENATE JOINT MEMORIAL NO 1, and the same is herewith transmitted, MALCOLM McBEATH, Chief Clerk.

January 27, 1971.

Mr. President: Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 6, the Speaker has appointed Representatives Kirk, Wosahh and Kiskaddon.  
MALCOLM McBEATH, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed.  
SENATE JOINT MEMORIAL NO 1,  
HOUSE BILL NO 199,  
HOUSE CONCURRENT RESOLUTION NO. 6.

#### APPOINTMENT OF MEMORIAL COMMITTEE

The President appointed Senators Gardner, Guess and Keefe to the Memorial Committee under the provisions of House Concurrent Resolution No 6.

On motion of Senator Greive, the Memorial Committee appointments were confirmed

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 254, by Senators Peterson (Ted), Greive and Stortini

An Act relating to plumbers; requiring state licenses; creating a state plumbing council, adding a new chapter to Title 18 RCW, providing penalties, and declaring an effective date

#### MOTION

Senator Stortini moved that Senate Bill No 254 be referred to the Committee on Labor and Industrial Insurance

Debate ensued.

#### POINT OF INQUIRY

Senator Stortini: "Will Senator Mardesich yield to a question? Senator, when would this bill come out of your Committee on Commerce and Regulatory Agencies should it be referred to that committee?"

Senator Mardesich: "I can not give a definite answer to that question and I would assume that any other chairman could not give a similar answer.

"I would assure you, as I said earlier, that the bill will come out of committee and if you want, Senator Stortini, at that time we could refer it to your committee rather than directly to the Committee on Rules and Joint Rules.

"I have no objection to your committee checking over the work of the Commerce and Regulatory Agency Committee before it comes to the floor. At least as to this particular matter.

"As to Senator Ted Peterson's comments, I assure you that the membership of the Commerce and Regulatory Agencies Committee is quite able. It includes a large number of the seasoned members of this body and I am sure that they can give it every due deliberation."

#### POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Mardesich yield again? Senator, give me an example as to why you should have this bill and why you should rule in cases like this over the Committee on Labor and Industrial Insurance on something like this. It has nothing to do with commerce."

Senator Mardesich: "It is licensing and licensing has traditionally been under the Commerce and Regulatory Agencies Committee. Last session we had bills pertaining to licensing all types of regulated professions and businesses and that bill was likewise referred to the floor. The Committee has traditionally handled this type of material since the committee was formed."

The motion by Senator Stortini failed on a rising vote. Senate Bill No. 254 was referred to the Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 255, by Senators Gissberg, Twigg and Cooney (by Insurance Commissioner request):

An Act relating to civil actions, and providing for loss distribution by comparative negligence; and adding a new section to Title 4 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 256, by Senators Stender, Connor and Fleming (by Insurance Commissioner request):

An Act relating to insurance, and amending section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 3, chapter 40, Laws of 1969 ex. sess. and RCW 46.52.130.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 257, by Senators Fleming, Mardesich and Murray (by departmental request):

An Act relating to social and health services; amending section 1, chapter 203, Laws of 1969 ex. sess. and RCW 74.32.100 and amending section 4, chapter 203, Laws of 1969 ex. sess. and RCW 74.32.130.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO. 258, by Senators Odegaard, Ellicker and Day:

An Act relating to revenue and taxation, amending section 6, chapter 26, Laws of 1967 ex. sess. and RCW 82.01.090, amending section 84.12.360, chapter 15, Laws of 1961 and RCW 84.12.360, amending section 84.12.370, chapter 15, Laws of 1961 and RCW 84.12.370; amending section 84.48.010, chapter 15, Laws of 1961 as amended by section 2, chapter 55, Laws of 1970 ex. sess. and RCW 84.48.010, amending section 84.48.050, chapter 15, Laws of 1961 and RCW 84.48.050; amending section 84.48.080, chapter 15, Laws of 1961 and RCW 84.48.080, and amending section 84.48.110, chapter 15, Laws of 1961 and RCW 84.48.110.

Referred to Committee on Ways and Means--Revenue and Taxation.

SENATE BILL NO. 259, by Senators Odegaard, Holman and Wilson:

An Act relating to institutions of higher education, and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B 10 RCW

Referred to Committee on Higher Education and Libraries.

SENATE BILL NO. 260, by Senators Greive, Stender and Francis:

An Act relating to workman's compensation; extending coverage to additional occupations; amending section 51 12 010, chapter 23, Laws of 1961 and RCW 51 12 010; and amending section 51 12 020, chapter 23, Laws of 1961 and RCW 51 12 020

Referred to Committee on Labor and Industrial Insurance.

SENATE BILL NO. 261, by Senators Stender, Storm, Ridder and Peterson (Ted) (by departmental request):

An Act relating to wages, amending section 1, chapter 128, Laws of 1888, as last amended by section 1, chapter 181, Laws of 1947 and RCW 49 48 010 amending section 2, chapter 128, Laws of 1888 as amended by section 1, chapter 20, Laws of 1933 ex. sess. and RCW 49 48 020, amending section 3, chapter 128, Laws of 1888 and RCW 49 48 030; amending section 3, chapter 96, Laws of 1935, and RCW 49 48 060, repealing section 2, chapter 181, Laws of 1947 and RCW 49 48 110; and prescribing penalties.

Referred to Committee on Labor and Industrial Insurance

There being no objections, the rules were suspended and additional sponsors were added to Senate Bill No. 261.

SENATE BILL NO. 262, by Senators Donohue and Knoblauch (by departmental request):

An Act relating to revenue and taxation, and amending section 28A 47 440, chapter 223, Laws of 1969 ex. sess. and RCW 28A 47 440

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 263, by Senators Donohue and Knoblauch (by departmental request):

An Act relating to revenue and taxation, and the providing of funds for the payment of certain veterans' bonuses, and amending section 2, chapter 272, Laws of 1959 and RCW 73 32 130

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 264, by Senators Francis, Gardner, Keefe, Ridder and Dore (by Joint Committee on Education request):

An Act relating to students in the common schools who are needy or disadvantaged; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW; making an appropriation, and providing penalties.

Referred to Committee on Education

#### MOTION

On motion of Senator Francis, the rules were suspended and additional sponsors were added to Senate Bill No. 264.

SENATE BILL NO. 265, by Senators Ridder, Dore, Canfield, Gardner, Metcalf, and Herr (by Joint Committee on Education request)

An Act relating to education, and amending section 4, chapter 217, Laws of 1969 ex. sess. and RCW 28A.41.145

Referred to Committee on Education

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 265.

SENATE BILL NO. 266, by Senators Metcalf, Talley, Woodall, Gardner, Ridder and Herr (by Joint Committee on Education request)

An Act relating to education; and amending section 28A.58.107, chapter 223, Laws of 1969 as amended by section 2, chapter 53, Laws of 1969 and RCW 28A.58.107  
Referred to Committee on Education.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 266.

SENATE BILL NO. 267, by Senators Gardner, Metcalf, Ridder and Herr (by Joint Committee on Education request)

An Act relating to certificated employees in the common schools, and adding a new section to chapter 28A.67 RCW

Referred to Committee on Education

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 267.

SENATE BILL NO. 268, by Senators Dore, Holman, Francis, Gardner, Metcalf, Ridder and Herr (by Joint Committee on Education request).

An Act relating to the Washington state teachers' retirement system, and adding a new section to chapter 41.32 RCW

Referred to Committee on Public Pensions and Social Security

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 268.

SENATE BILL NO. 269, by Senators Donohue, Woodal and Durkan

An Act relating to fire protection districts; and adding new sections to chapter 52.16 RCW.

Referred to Committee on Cities, Towns and Counties

SENATE BILL NO. 270, by Senators Greive, Talley and Stender.

An Act relating to water districts, providing for the withdrawal of water districts located within a city or town; and adding a new chapter to Title 57 RCW

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 271, by Senators Day, Peterson (Ted) and Greive (by Legislative Council request):

An Act relating to prescription drugs; amending section 3, chapter 98, Laws of 1935, as amended by section 18, chapter 38, Laws of 1963 and RCW 43.69.030, recodified as RCW 18.64.005; adding new sections to chapter 18.64 RCW and adding a new section to chapter 18.71 RCW.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO. 272, by Senators Mardesich and Clarke (by Joint Committee on Governmental Cooperation and departmental request)

An Act relating to the department of social and health services, and authorizing tax deferred annuity benefits for certain eligible employees.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 273, by Senators Ebeker, Odegaard and Gardner (by Joint Committee on Governmental Cooperation and departmental request):

An Act relating to minors authorizing consent for drug or alcohol abuse care by minors aged fourteen years and older, and creating a new section

Referred to Committee on Public Institutions.

SENATE BILL NO. 274, by Senators Mardesich, Andersen, Stortini and Dore.

An Act relating to savings and loan associations, amending section 29, chapter 235, Laws of 1945 as last amended by section 3, chapter 107, Laws of 1969 and RCW 33.12.010; amending section 69, chapter 235, Laws of 1945 as last amended by section 4,

chapter 280, Laws of 1959 and RCW 33.24.120, adding new sections to chapter 235, Laws of 1945 and to chapters 33.04, 33.12, and 33.24 RCW; and repealing section 30, chapter 235, Laws of 1945 and RCW 33.12.020.

Referred to Committee on Commerce and Regulatory Agencies.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 274.

SENATE BILL NO. 275, by Senator Mardesich:

An Act relating to electric lines, providing that new electric lines to all buildings on platted land be placed underground, creating new sections, and prescribing penalties.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE JOINT MEMORIAL NO. 3, by Senators Mardesich, Stender, Knoblauch and Keefe: Requesting the secretary of transportation to reconsider his "Preliminary report on the basic rail system."

#### MOTIONS

On motion of Senator Mardesich, the rules were suspended and additional sponsors were added to Senate Joint Memorial No. 3.

On motion of Senator Greive, the rules were suspended, Senate Joint Memorial No. 3 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended, Senate Joint Memorial No. 3 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 3 and the memorial passed the Senate by the following vote: Yeas, 47, excused, 2.

Voting yea: Senators Andersen, Atwood, Baley, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odogaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—47.

Excused: Senators Murray, Whetzel—2.

SENATE JOINT MEMORIAL NO. 3, having received the constitutional majority was declared passed.

#### PERSONAL PRIVILEGE

Senator Durkan: "Mr. President, while this only applies indirectly to Senate Bill No. 272, I just want to make it clear to the members on the floor and I am sure that all of you are well aware of it, that constantly every day now we are introducing legislation that carries a price tag with it and it is going into the various committees here in the Senate. It has traditionally been the position of the Committee on Ways and Means that anything that is going to cost money, goes to Ways and Means. I hope that you would remember that when you are introducing this legislation that if there is an impact in revenue or expenditures that we are going to have to consider it in the Committee on Ways and Means when it comes out of the committee."

"A word of caution for all of us big spenders, that you who are appropriating every day here on the floor that we are going to have some revenue matters that you will have an opportunity to express your views on too and I just want you to remember that when it comes along that we are all together in the same boat. Thank you."

#### POINT OF INQUIRY

Senator Atwood: "Would Senator Durkan yield? Senator, by your remarks, I take it that if a bill does get out of the Committee on Rules and Joint Rules which has a fiscal

impact and has not gone through the Committee on Ways and Means, you will support a motion to put it in Ways and Means so we can take a look at it there?"

Senator Durkan: "Mr. President, what I mean is that I would hope that any committee chairman when they are through with the deliberations of their bill, would refer it to the Committee on Ways and Means without the Senate having to have to do it when it comes out of the Committee on Rules and Joint Rules. I would hope that if they do not, that the Rules Committee will."

Senator Atwood: "My question, though, is if one does get out that does have a fiscal impact that has escaped the original committee and the Committee on Rules and Joint Rules that if we catch it on the floor you will move to refer it to Ways and Means."

Senator Durkan: "Yes, the answer is yes and I hope the Senate would support me."

Senator Atwood: "I certainly will."

On motion of Senator Durkan, the following resolution was adopted:

#### SENATE RESOLUTION: 1971 8

By Senators Durkan, Jolly and Canfield.

WHEREAS, The national budget announced today by President Nixon contains no funds for the continued operation of the "K" Nuclear Reactor at Hanford; and

WHEREAS, Operation of this reactor not only provides basic employment at the Hanford Atomic Energy Works, but in addition the 5,000 persons employed in supplemental industry are dependent upon the continued operation of the "K" reactor; and

WHEREAS, The President's budget also proposes the closure of the "N" reactor, which as a by-product produces the steam used in generating a major block of electric power for the Northwest; and

WHEREAS, Economic factors relating to the reduction in force by the Boeing Airplane Company will only be further complicated if the "K" and "N" reactors at Hanford are closed down, not only in that thousands of jobs will be lost, but the Washington Public Power Supply System will have a steam generating plant without a source of steam to convert to electricity for the entire state and the region,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF WASHINGTON, That President Nixon's action in cutting funds for the "K" and "N" reactors at Hanford be reconsidered, and the Congress be urged to restore funds for the continued operation of these vital facilities;

BE IT FURTHER RESOLVED, That copies of this resolution be immediately forwarded to the members of the Congressional delegation from the state of Washington.

#### MOTION

At 11:55 a.m., on motion of Senator Greve, the Senate adjourned until 11:00 a.m., Friday, January 29, 1971

JOHN A. CHERBERG, President of the Senate.  
SIDNEY R. SNYDER, Secretary of the Senate.



## NINETEENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, January 29, 1971.

The Senate was called to order at 11 00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Gissberg and McDougall. On motion of Senator Keefe, Senator Gissberg was excused. On motion of Senator Andersen, Senator McDougall was excused.

The Color Guard, consisting of Pages Jonathan Roebeck, Color Bearer, and Liz Neils presented the Colors. Reverend Charles Howard Perry, rector of St. John's Episcopal Church of Olympia, offered prayer as follows:

"O God, the things that chain us to our baser selves are the things not of Thee. As we turn to You this day for guidance, wisdom and strength, lead us through Your Spirit into ways of Freedom and Justice and away from selfish desires and ignoble thoughts. Our lives are surrounded with the evidence of the mess men and women have made of the world. Help us to be those who work to straighten out the mess, not those who mess things up. When everyone around us is tired of trying to do good, grant us the energy to try. Our Father, in Your hands are the good and the bad of this world. We pray that You have room in Your hands for us, and that Your hand will touch us and make us new and courageous and honest and good. Bless us today, O God, with Your peace that we may do the work set before us with joy. We pray in the Name of the Prince of Peace, Your Son, our Lord. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

January 27, 1971

SENATE BILL NO. 8, providing for cemetery districts, in all counties (reported by Committee on Cities, Towns and Counties).

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Canfield, Clarke, Elicker, Fleming, Herr, McDougall, Peterson (Ted), Talley, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

January 27, 1971.

SENATE BILL NO. 10, authorizing eighteen years of age to be legal age in probate law (reported by Judiciary Committee).

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Atwood, Clarke, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

January 27, 1971

SENATE BILL NO. 49, providing certain changes in the regulation of motor vehicle wreckers (reported by Committee on Highways).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Donohue, Elicker, Guess, Huntley, Jolly, Knoblauch, McDougall, Mardesich, Matson, Stender, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

January 27, 1971.

SENATE BILL NO. 57, providing for payment of certain costs and expenses for indigents (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman, Dora, Vice Chairman; Atwood, Clarke, Francis, Holman, Walgren, Woodall

Passed to Committee on Rules and Joint Rules for second reading

January 27, 1971.

SENATE BILL NO. 73, precluding as evidence statements made by any party to a personal injury action unless copies of such statement be made available to him within ten days after request (reported by Judiciary Committee)

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Dora, Vice Chairman; Atwood, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading

January 27, 1971.

SENATE BILL NO. 86, requiring city and town clerks to keep on file original material concerning annexed areas (reported by Committee on Cities, Towns and Counties)

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Canfield, Clarke, Ecker, Fleming, Herr, McDougall, Peterson (Ted), Talley, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading

January 27, 1971.

SENATE BILL NO. 97, increasing bonding requirements of elected county officials (reported by Committee on Cities, Towns and Counties).

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Canfield, Clarke, Ecker, Fleming, Herr, McDougall, Peterson (Ted), Talley, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading

January 27, 1971.

SENATE BILL NO. 143, providing for the sale of highway contract plans (reported by Committee on Highways):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman, Henry, Vice Chairman, Donohue, Ecker, Guess, Huntley, Jolly, Knoblauch, McDougall, Mardesich, Matson, Scott, Stender, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading

#### MESSAGE FROM THE HOUSE

January 28, 1971.

Mr. President The Speaker has signed HOUSE JOINT MEMORIAL NO. 4, and the same is herewith transmitted, MALCOLM McBEATH, Chief Clerk.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 276, by Senator Gissberg:

An Act relating to restrictions upon corporations or associations from acquiring shares of stock of banks, trust companies or national banking associations; amending section 30.04.230, chapter 33, Laws of 1955, as amended by section 1, chapter 69, Laws of 1961 and RCW 30.04.230; and prescribing penalties.

Referred to Judiciary Committee

SENATE BILL NO. 277, by Senators Gissberg and Andersen:

An Act relating to the superior courts, and amending section 7, page 343, Laws of 1890 and RCW 2.08.030

Referred to Judiciary Committee.

SENATE BILL NO. 278, by Senator Gissberg.

An Act relating to motor vehicles; and amending section 46.37.210, chapter 12, Laws of 1961 as amended by section 16, chapter 154, Laws of 1963, and RCW 46.37.210.

Referred to Committee on Highways.

SENATE BILL NO. 279, by Senator Gissberg:

An Act relating to the appointment of executors, administrators, and guardians; and amending section 30.04 260, chapter 33, Laws of 1955 and RCW 30.04.260

Referred to Judiciary Committee

SENATE BILL NO. 280, by Senators Washington and Huntley (by Joint Committee on Highways request):

An Act relating to motor vehicle noise; adding new sections to chapter 46.37 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Highways.

SENATE BILL NO. 281, by Senators Knoblauch, Henry and Huntley (by departmental request):

An Act relating to the operation of motor vehicles; amending section 62, chapter 155, Laws of 1965 ex. sess., as amended by section 68, chapter 32, Laws of 1967 and RCW 46.61 515; defining crimes; and prescribing penalties

Referred to Judiciary Committee.

SENATE BILL NO. 282, by Senators Knoblauch, Henry and Huntley (by departmental request):

An Act relating to driver's licenses; and amending section 18, chapter 121, Laws of 1965 ex. sess. as last amended by section 13, chapter 170, Laws of 1969 ex. sess. and RCW 46 20 205

Referred to Committee on Highways.

SENATE BILL NO. 283, by Senators Gardner, Odegard and Whetzel (by executive request):

An Act relating to state correctional institutions for convicted felons, creating new sections, defining crimes; prescribing penalties, and prescribing an effective date

Referred to Committee on Public Institutions.

SENATE BILL NO. 284, by Senators Bailey, Whetzel and Herr (by executive request):

An Act relating to counties; amending section 36 82.040, chapter 4, Laws of 1963 and RCW 36 82.040; and repealing section 1 and 2, chapter 218, Laws of 1967 and RCW 36 82.240 and 36 82.245.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 285, by Senator Donohue

An Act relating to identification of livestock; amending section 16, chapter 54, Laws of 1959 and RCW 16.57.160. and amending section 19, chapter 54, Laws of 1959 and RCW 16.57.190

Referred to Committee on Agriculture and Horticulture.

SENATE BILL NO. 286, by Senator Donohue

An Act relating to education and certain contracts of employment pertinent thereto, and amending section 16, chapter 15, Laws of 1970 ex. sess. and RCW 28A.67.070.

Referred to Committee on Education

SENATE BILL NO. 287, by Senator Donohue:

An Act relating to game; and adding new sections to chapter 77 12 RCW

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 288, by Senators Bailey and Gardner (by Joint Committee on Governmental Cooperation Request and departmental request):

An Act relating to the disposal of land not needed for state park purposes, and amending section 43 51 210, chapter 8, Laws of 1965 as amended by section 3, chapter 99, Laws of 1969.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs

SENATE BILL NO. 289, by Senators Ridder, Mardesich, Stender and Greive:

An Act relating to insurance, and amending section 19 03, chapter 79, Laws of 1947 and RCW 48 19 030

Referred to Committee on Commerce and Regulatory Agencies

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 289

SENATE BILL NO. 290, by Senators Washington, Huntley and Henry (by Joint Committee on Highways request):

An Act relating to highways and the operation of vehicles thereon, and amending section 28, chapter 155, Laws of 1965 ex sess and RCW 46 61 180

Referred to Committee on Highways.

SENATE BILL NO. 291, by Senators Washington, Huntley, Walgren and McDougall (by departmental request):

An Act relating to state highways; amending section 10 chapter 51, Laws of 1970 ex sess and RCW 47.17 045, amending section 29, chapter 51, Laws of 1970 ex sess and RCW 47 17 140, amending section 33, chapter 51, Laws of 1970 ex. sess and RCW 47 17 160; amending section 42, chapter 51, Laws of 1970 ex sess and RCW 47 17 205; amending section 44, chapter 51, Laws of 1970 ex sess and RCW 47 17 315, amending section 63, chapter 51, Laws of 1970 ex sess and RCW 47.17.310; amending section 64, chapter 51, Laws of 1970 ex sess and RCW 47 17 315, amending section 69, chapter 51, Laws of 1970 ex sess and RCW 47.17 340, amending section 75, chapter 51, Laws of 1970 ex sess and RCW 47.17 370, amending section 85, chapter 51, Laws of 1970 ex sess and RCW 47.17.420, amending section 97, chapter 51, Laws of 1970 ex sess and RCW 47 17 480, amending section 102, chapter 51, Laws of 1970 ex sess and RCW 47 17 505, amending section 111, chapter 51, Laws of 1970 ex sess and RCW 47 17 550, amending section 140, chapter 51, Laws of 1970 ex sess and RCW 47 17.695 amending section 141, chapter 51, Laws of 1970 ex sess and RCW 47 17.700, amending section 151, chapter 51, Laws of 1970 ex. sess. and RCW 47 17.750, amending section 152, chapter 51, Laws of 1970 ex sess and RCW 47 17 755; amending section 159, chapter 51, Laws of 1970 ex sess and RCW 47 17 790; amending section 167, chapter 51, Laws of 1970 ex sess and RCW 47 17 830, amending section 170, chapter 51, Laws of 1970 ex sess and RCW 47 17.845, amending section 171, chapter 51, Laws of 1970 ex sess and RCW 47 17.850; amending section 14, chapter 96, Laws of 1961 and RCW 47 42 140, amending section 2, chapter 85, Laws of 1967 ex sess. as last amended by section 177, chapter 51, Laws of 1970 ex sess and RCW 47 39.020; creating new sections, repealing section 47 20.370, chapter 13, Laws of 1961 and RCW 47 20 370, repealing section 43, chapter 51, Laws of 1970 ex sess and RCW 47 17 210, and repealing section 118 chapter 51, Laws of 1970 ex sess and RCW 47.17 585

Referred to Committee on Highways.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 291

SENATE BILL NO. 292, by Senators Greive, Low s, Knoblauch, Peterson (Lowe I), Peterson (Ted), Talley, Gardner, Ridder, Fleming, Day, McCutcheon, Cooney, Connor, Herr and Keefe (by Legislative Council request):

An Act relating to revenue and taxation; amending section 26, chapter 173, Laws of 1965 ex sess. as last amended by section 1, chapter 257, Laws of 1969 ex. sess. and RCW 82.04.435; and declaring an emergency

Referred to Committee on Ways and Means—Revenue and Taxation.

#### MOTION

On motion of Senator Greive, the rules were suspended and additional sponsors were added to Senate Bill No. 292

SENATE BILL NO 293, by Senators Greive, Lewis, Knoblauch, Peterson (Lowell), Peterson (Ted), Talley, Canfield, Gardner, Sandison, Ridder, McCutcheon, Herr Day, Cooney, Connor and Washington (by Legislative Council request).

An Act relating to industrial promotion, providing for the stabilization of industrial zoning in cities, towns and counties; creating the industrial site location commission; authorizing a Washington development directory, and declaring an emergency

Referred to Committee on Manufacturing and Industrial Development.

#### MOTION

On motion of Senator Greive, the rules were suspended and additional sponsors were added to Senate Bill No. 293

SENATE BILL NO 294, by Senators Greive, Lewis, Knoblauch, Sandison, Peterson (Ted), Talley, Gardner, Ridder, Herr, McCutcheon, Day, Connor, Odegaard, Dore, Keefe and Cooney (by Legislative Council request).

An Act relating to state government; creating the Washington industrial finance authority; making an appropriation; and providing an effective date

Referred to Committee on Manufacturing and Industrial Development.

#### MOTION

On motion of Senator Greive, the rules were suspended and additional sponsors were added to Senate Bill No. 294

SENATE BILL NO 295, by Senators Newschwander, Elicker and Greive (by Joint Committee on Governmental Cooperation and departmental request):

An Act relating to the licensing of boarding homes, nursing homes, hospitals, and private establishments; amending section 5, chapter 253, Laws of 1957 and RCW 18 20.050; amending section 6, chapter 117, Laws of 1951 as amended by section 4, chapter 160, Laws of 1953 and RCW 18 51.050; amending section 11, chapter 267, Laws of 1955 and RCW 70.41 110; and amending section 71 12 490, chapter 25, Laws of 1959 and RCW 71.12.490.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO 296, by Senators Elicker and Foley (by departmental request):

An Act relating to revenue and taxation, amending section 84 41 030, chapter 15, Laws of 1961 and RCW 84 41 030, and amending section 84 41.040, chapter 15, Laws of 1961 and RCW 84 41.040

Referred to Committee on Ways and Means—Revenue and Taxation

SENATE BILL NO 297, by Senators Greive, Lewis, Knoblauch, Peterson (Ted), Day, Connor, Keefe and Odegaard (by Legislative Council request):

An Act relating to the public welfare, providing for a Litter Control Act, amending section 46 56 135, chapter 12, Laws of 1961 as amended by section 1, chapter 52, Laws of 1965 ex sess and RCW 46.61 655, repealing section 1, chapter 36, Laws of 1909, section 1, chapter 73, Laws of 1931, section 49, chapter 281, Laws of 1964 ex sess and RCW 9 6. 120, repealing section 2, chapter 85, Laws of 1967 and RCW 9 66 060; repealing section 3, chapter 85, Laws of 1967, section 50, chapter 281, Laws of 1969 ex sess and RCW 9 66 070, repealing section 2, chapter 52, Laws of 1965 ex sess, section 51, chapter 281, Laws of 1969 ex sess. and RCW 46.61 650; and providing penalties

Referred to Committee on Commerce and Regulatory Agencies.

MOTIONS

On motion of Senator Greive, the rules were suspended and additional sponsors were added to Senate Bill No. 297.

Senator Greive moved that the Committee on Commerce and Regulatory Agencies be relieved of consideration of Senate Bill No. 297.

Senator Greive moved that Senate Bill No. 297 be referred to the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

Debates ensued

The motions carried on a rising vote Senate Bill No. 297 was referred to the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO. 298, by Senators Washington, Peterson (Ted) and Dore

An Act relating to education and requiring certain insurance coverage to be provided employees of school districts and institutions of higher learning while in the performance of their duties

Referred to Committee on Education.

SENATE BILL NO. 299, by Senators Washington, Huntley and Henry (by Joint Committee on Highways request):

An Act relating to highways and the operation of vehicles thereon, amending section 7, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.050, amending section 8, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.055, amending section 15, chapter 155, Laws of 1965 ex. sess. as last amended by section 46, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.100, amending section 20, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.125, amending section 21, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.130; amending section 22, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.135, amending section 27, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.160; amending section 30, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.190, amending section 31, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.205, amending section 32, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.210, amending section 33, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.230, amending section 36, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.245, amending section 51, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.365, amending section 68, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.600, amending section 74, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.030, amending section 76, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.640, and adding new sections to chapter 155, Laws of 1965 ex. sess. and to chapter 46.61 RCW

Referred to Committee on Highways.

SENATE BILL NO. 300, by Senator Fleming

An Act relating to apprenticeship, prohibiting discrimination; adding a new section to chapter 231, Laws of 1941 and to chapter 49.04 RCW; and repealing section 3, chapter 183, Laws of 1969 ex. sess. and RCW 49.04.110

Referred to Committee on Labor and Industrial Insurance.

SENATE BILL NO. 301, by Senators Greive, Lewis, Knoblauch, Peterson (Ted), Talley, Flicker, Cooney, Herr, Day and Keefe (by Legislative Council request)

An Act relating to the deferral of state taxes, and making an appropriation

Referred to Committee on Ways and Means—Revenue and Taxation

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 301.

SENATE BILL NO. 302, by Senators Elcker, Clarke and Herr (by departmental request)

An Act relating to public documents, records, and publications; and amending section 7, chapter 246, Laws of 1957 and RCW 40.14.070.

Referred to Committee on Cities, Towns and Counties

SENATE BILL NO. 303, by Senators Knoblauch, Scott and Keefe.

An Act relating to education; and amending section 2, chapter 283, Laws of 1969 ex sess. and RCW 28A.67.074

Referred to Committee on Education.

SENATE BILL NO. 304, by Senator Mardesich.

An Act relating to motorboats, amending section 3, chapter 72, Laws of 1933 and RCW 88 12 030, amending section 5, chapter 72, Laws of 1933 and RCW 88 12 050, creating new sections, and prescribing penalties.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 305, by Senators Holman, Gardner and Greive (by Joint Committee on Governmental Cooperation request):

An Act relating to state government, and creating new sections.

Referred to Committee on State Government

SENATE BILL NO. 306, by Senators Talley, Henry and Foley.

An Act relating to highways; and making an appropriation.

Referred to Committee on Highways.

SENATE BILL NO. 307, by Senators Ellicker, Gardner and Day (by departmental request)

An Act relating to crimes and punishments, exempting health professionals from certain advertising prohibitions, and amending section 1, chapter 168, Laws of 1921 and RCW 9 04 030

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO. 308, by Senators Knoblauch, Stortin, and Peterson (Ted)

An Act relating to veterans, providing veterans with public employment preferences, and amending section 1, chapter 189, Laws of 1945 as last amended by section 2, chapter 269, Laws of 1969 ex. sess. and RCW 41 04.010

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

SENATE BILL NO. 309, by Senator Donohue

An Act relating to elections, and amending section 84 52 052, chapter 15, Laws of 1961 as last amended by section 1, chapter 113, Laws of 1965 ex. sess. and RCW 84.52.052

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 310, by Senator Donohue

An Act relating to counties, amending section 36 82 040, chapter 4, Laws of 1963 and RCW 36 82.040; and creating new sections.

Referred to Committee on Cities, Towns and Counties

SENATE BILL NO. 311, by Senator Foley

An Act relating to housing authorities, and amending section 35 82.020, chapter 7, Laws of 1965 and RCW 35.82.020.

On motion of Senator Grewe, the rules were suspended, Senate Bill No. 311 was advanced to second reading and read the second time in full

#### POINT OF INQUIRY

Senator Mardesich. "Would Senator Foley yield? Senator, this is not apparent in the amended part of the section and I have not had any real chance to look at it but it looks to me that part of your amendment applies to an area within one mile radius of such an undertaking would. Have you the situation there where some of that might be outside of the city limits?"

Senator Foley: "No."

Senator Mardesich: "I also direct your attention to page 1."

Senator Foley: "I think under the present housing authority you can go five miles outside the city limits."

Senator Mardesich: "It says 'Area of operation'—although this I admit is not being amended 'in the case of a housing authority of a city, shall include such city and the area within five miles from the territorial boundaries thereof. PROVIDED, That the area of operation of a housing authority of any city shall not include any area which lies within the territorial boundaries of some other city' or '(b)', and this is the point, 'in the case of the housing authority of a county, shall include all of the county except that portion which lies within the territorial boundaries of any city'. The two are contradictory. It might be a chance to clean that language up. I do not think they mean it. But time is a problem and it is the law now."

Senator Foley: "This is the present law."

Senator Mardesich: "Right, I say it is the present law and it looks to me like there could be some confusion in this as they appear to me to be directly contradictory. I say it does not relate to your problem perhaps because it all lies within the city."

"Does it appear to be in conflict to you? Note where it defines (b) on the second page. Line three on page two, 'in the case of a housing authority of a county shall include all of the county except that portion which lies within the territorial boundaries of any city'."

Senator Foley: "That certainly does not affect us."

On motion of Senator Foley, the rules were suspended. Senate Bill No. 311 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 311 and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 3; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Cooney, Day, Donohue, Dore, Durkan, Ellicker, Fleming, Foley, Francis, Gardner, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall. 43

Voting nay: Senator Clarke—1

Absent or not voting: Senators Connor, Guess, McCutcheon—3.

Excused: Senators Gissberg, McDougall—2.

SENATE BILL NO. 311, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 312, by Senators Henry, Washington, Atwood, Huntley and Guess.

An Act relating to emergency protection and restoration of highways, adding a new section to chapter 47.28 RCW; creating new sections, and declaring an emergency.

#### MOTIONS

On motion of Senator Washington, the rules were suspended and additional sponsors were added to Senate Bill No. 312.

On motion of Senator Washington, the rules were suspended, Senate Bill No. 312 was advanced to second reading and read the second time in full.

Debate ensued.

#### POINT OF INQUIRY

Senator Durkan: "Would Senator Washington yield? Senator, some of us agree with Senator Andersen, but at the same time recognizing the emergency nature of it, would you accept an amendment to this that would terminate the act on July 1 of this year?"

Senator Washington: "I would certainly be agreeable to that. I think that would be a good amendment."



On motion of Senator Mardesich the following amendment by Senators Mardesich and Durkan was adopted

On page 2, line 6, insert a new section 3 to read as follows.

"NEW SECTION Sec. 3. This act shall expire on June 30, 1971."

Renumber old section 3 as section 4.

On motion of Senator Mardesich, the following amendment by Senators Mardesich and Durkan was adopted

On page 1, line 3 of the title, after "sections;" insert "providing a terminal date;"

### POINT OF INQUIRY

Senator Peterson (Ted) "Will Senator Washington yield? Senator, in looking over the state chain of highways from Spokane into Seattle, we know that this problem up in the Snoqualmie was taken care of by state highway people and then I look down to Yakima and over the state and I would like to have you give a good example of the emergency case whereby something like that might happen.

"Could you give an example of what you are referring to now where the emergency is so great that you cannot take either state or private mobile equipment and take the time to straighten out little contractual agreements so that the state will not be overpaying for work in an emergency case like this?"

Senator Washington: "I am not sure that this is the time to debate force account procedures for the state of Washington. We have rather stringent laws relating to the amount of work that can be done by an agency itself and certainly in many instances I think we should broaden that but this gets into a whole other question of whether or not the state should do the work or whether it should be done by private industry."

Senator Peterson (Ted). "This is not what I asked you, I said just give me a simple example of what you are referring to when you referred to an absolute emergency."

Senator Washington. "At the present time we are referring basically to the situation as exists on Interstate 5 south of Bellingham where the entire stretch of highway abruptly swept away due to the rain and slide conditions so that the highway is not passable, traffic cannot move on Interstate 5, completely severing this interstate system. This is clearly an emergency

"I think on the other hand, we should, before this session is over, give this some more consideration and decide whether or not it should be tightened up before it becomes a permanent part of the statutes of the state of Washington."

Debate ensued.

On motion of Senator Washington, the rules were suspended, Engrossed Senate Bill No 312 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

Debate ensued

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No 312, and the bill passed the Senate by the following vote Yeas, 47, excused, 2.

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Foley, Francis, Gardner, Greve, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortum, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodal.—47.

Excused. Senators Gissberg, McDougall—2

ENGROSSED SENATE BILL NO 312, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act

SENATE JOINT RESOLUTION NO. 21, by Senators Elcker, Bailey and Walgren (by executive and Secretary of State request)

Amending the Constitution to allow eighteen year old vote

Referred to Committee on Constitution, Elections and Legislative Processes.

SENATE JOINT RESOLUTION NO 22, by Senators Greve, Knoblauch, Talley,

Lewis, Keefe, Sandison, Ridder, McCutcheon, Fleming, Connor, Peterson (Lowell), Peterson (Ted), Gardner, Francis, Herr, Day, Odegaard, Washington and Cooney (by Executive and Legislative Council request):

Providing a constitutional amendment concerning loaning the credit of the state  
Referred to Committee on Ways and Means—Appropriations.

### MOTIONS

On motion of Senator Greive, the rules were suspended and additional sponsors were added to Senate Joint Resolution No. 22.

Senator Greive moved that the Committee on Ways and Means Appropriations be relieved of consideration of Senate Joint Resolution No. 22.

Senator Greive moved that Senate Joint Resolution No. 22 be referred to the Committee on Constitution, Elections and Legislative Processes.

### POINT OF INQUIRY

Senator Holman: "Would Senator Greive yield to a question? Senator, there will be a constitutional amendment dropped in shortly having to do with the revision of the bonding capacity of the state, developed by an advisory committee appointed by the State Finance Committee."

"I had assumed that that would probably go to the Committee on Ways and Means but it seems to me that both of these measures ought to be considered together. Where is your thought that that one should go?"

Senator Greive: "I am not going to attempt to make a decision on something else that is not before me that I am not aware of and that I am not familiar with. I am familiar with this resolution."

"The resolution I am talking about now in substance has gone through the Senate on two other occasions and it has always gone through the Committee on Constitution, Elections and Legislative Processes and it is strictly a constitutional amendment for subsequent sessions of the legislature to do something."

Senator Holman: "Then may I take it that at the present time you can see no objection for that second to resolution to go to the Committee on Ways and Means?"

Senator Greive: "No."

The motions carried. Senate Joint Resolution No. 22 was referred to the Committee on Constitution, Elections and Legislative Processes.

### SIGNED BY THE PRESIDENT

The President signed:

HOUSE JOINT MEMORIAL NO. 4.

### SECOND READING

SENATE BILL NO. 46, by Senators Wilson and Odegaard:

Permitting school districts to lease school buses under certain emergency circumstances.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 46 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 46, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Ehoker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Joly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted),

Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47

Excused: Senators Gissberg, McDougall—2.

SENATE BILL NO. 46, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act

SENATE BILL NO. 114, by Senators Francis, Woodall and Holman

Providing that a state medical aid lien bears proportionate share of attorney's fees when satisfied by recipient's independent action.

#### REPORT OF STANDING COMMITTEE

January 21, 1971.

SENATE BILL NO. 114, providing that a state medical aid lien bears proportionate share of attorney's fees when satisfied by recipient's independent action (reported by Judiciary Committee).

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 1, after "initiated" and before the period insert "upon notice to the department which shall have the right to be heard on the matter"

Signed by: Senators Gissberg, Chairman, Dore, Vice Chairman; Andersen, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

The bill was read the second time by sections

On motion of Senator Holman, the committee amendment was adopted

On motion of Senator Holman, the rules were suspended, Engrossed Senate Bill No. 114 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 114, and the bill passed the Senate by the following vote: Yeas, 47, excused, 2.

Voting yea. Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Excused: Senators Gissberg, McDougall—2

ENGROSSED SENATE BILL NO. 114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act

#### MOTION

On motion of Senator Twigg, Senator Woodall was excused

SENATE BILL NO. 131, by Senators Day, Keefe and Peterson (Ted) (by Legislative Council request).

Requiring the use of enriched flour in all specialty breads and rolls

The bill was read the second time by sections

On motion of Senator Day, the rules were suspended, Senate Bill No. 131 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Mardesich: "I have no argument with this bill, but as I sat down and glanced at it I noticed in line eighteen on page two that it refers to enriched white flour and I was just talking to Senator Day about it."

"Way back when I got involved in a case where there was some contaminated bread and we got to wondering whether we might not be hooked as to whether it was enrichment of the bread and as I recall there was no definition of what 'enriched' was in the statute. I think that when this bill goes to the House you might question that to see whether it needs an amendment as to provide a definition of what 'enriched white bread' is. The argument arose that contamination might be enrichment."

Senator Day: "Mr. President, I do not find it in this portion of the statute but I am certain that the regulation is in the APA. The Department of Agriculture draws the standards, but I will double check this and if it is not in there, we will put it in in the House, Senator."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 131 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—46.

Excused: Senators Gissberg, McDougall, Woodall—3

SENATE BILL NO. 131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 88, by Senators Guess, Twigg, Washington and Atwood

Authorizing the state building authority to lease land from the state or its agencies

The bill was read the second time by sections.

On motion of Senator Guess, the rules were suspended, Senate Bill No. 88 was advanced to third reading the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 88, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—46.

Excused: Senators Gissberg, McDougall, Woodall—3.

SENATE BILL NO. 88, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 95, by Senators Talley, Washington, Huntley and Henry:

Allowing school buses to use studded tires.

## REPORT OF STANDING COMMITTEE

January 29, 1971.

SENATE BILL NO. 95, allowing school buses to use studded tires (reported by Committee on Highways):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, section 1, subsection (4), beginning on line 7, after "may be used" strike "at any time" and insert "between November 1 and April 1"

Signed by Senators Washington, Chairman Henry, Vice Chairman Bailey, Donohue, Foley, Huntley, Jolly, Mardesich, Matson, Murray, Sandison, Scott, Stender, Talley

The bill was read the second time by sections

On motion of Senator Talley, the committee amendment was adopted.

On motion of Senator Talley, the rules were suspended, Engrossed Senate Bill No 95 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Odegaard: "Would Senator Talley yield to a question? Senator, I have metal studs in the tires of my car and I felt much safer driving down the highway with those studs until I read an article recently in one of the Seattle newspapers. It included a report of a study that was made in one of the other states in the nation that showed that vehicles with the studs actually took a longer distance to stop on dry and on wet surfaces. The only time there was a shorter distance, the distance in stopping, was when there was actually glare ice and then there was very little effect after you had used your studs. I believe it was about eight thousand miles.

"I appreciate what you are trying to do here but I just wonder if anybody else might know of any other studies on the benefits of studded tires and if we are going in the right direction."

Senator Talley: "Senator, it was brought out in the hearing that the studded tires would be a safety factor on school buses with existing records and proofs that we have today."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No 95, and the bill passed the Senate by the following vote: Yeas, 45, absent or not voting 1; excused, 3

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore Durkan, Ellicker, Fleming, Foley, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stostuni, Talley, Twigg, Walgren, Washington, Whetzel, Wilson--45

Absent or not voting: Senator Francis--1

Excused: Senators Gissberg, McDougall, Woodall--3.

ENGROSSED SENATE BILL NO 95, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

At 12:40 p.m., on motion of Senator Greive, the Senate adjourned until 12:00 noon, Monday, February 1, 1971.

JOHN A. CHERBERG, President of the Senate

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Wash., Monday, February 1, 1971.

The Senate was called to order at 12:00 noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Foley, Gissberg and Murray. On motion of Senator Keefe, Senators Foley and Gissberg were excused. On motion of Senator McDougall, Senator Murray was excused.

The Color Guard, consisting of Pages Bruce Ware, Color Bearer, and Priscilla Webb presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered prayer as follows:

"O God, be merciful to us when we pray with half our heart or listen with half our mind, and have compassion on us that we are torn as we are and bedeviled with compromises. Vainly we wish for life without such difficult decisions, yet we know that we have only ourselves to blame for the tensions in which we live. Enable us to pray that our eyes be opened to new answers to the new problems which confront us. Forgive our cowardice and our failings, and our selfishness. Cause us to accept the responsibilities of leadership where every person in this state is affected by the decisions which are made here. Help us to give a good account of this day for Jesus' sake. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

January 29, 1971

Mr. President: The House has passed:

HOUSE BILL NO. 12,  
HOUSE BILL NO. 13,  
HOUSE BILL NO. 14,  
HOUSE BILL NO. 15,  
HOUSE BILL NO. 16,  
HOUSE BILL NO. 17,  
HOUSE BILL NO. 18,  
HOUSE BILL NO. 27,  
HOUSE BILL NO. 28,  
HOUSE BILL NO. 29,  
ENGROSSED HOUSE BILL NO. 30,  
HOUSE BILL NO. 92,  
HOUSE BILL NO. 93,  
HOUSE BILL NO. 94,  
HOUSE BILL NO. 95,  
HOUSE BILL NO. 96,  
HOUSE BILL NO. 97,  
HOUSE BILL NO. 98,  
HOUSE BILL NO. 99,  
HOUSE BILL NO. 130,  
HOUSE JOINT MEMORIAL NO. 8,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

January 29, 1971.

Mr. President: The Speaker has signed SENATE JOINT MEMORIAL NO. 1, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 313, by Senators Holman, Dore, Foley and Atwood (by Uniform Law Commission request)

An Act relating to affairs of decedents, missing persons, protected persons, minors, incapacitated persons, and certain others and constituting the Uniform Probate Code, consolidating and revising aspects of the law relating to wills and intestacy and the administration and distribution of estates of decedents, missing persons, protected persons, minors, incapacitated persons and certain others; ordering the powers and procedures of the court concerned with the affairs of decedents and certain others, providing for the validity and effect of certain nontestamentary transfers, contracts and deposits which relate to death and appear to have testamentary effect; providing certain procedures to facilitate enforcement of testamentary and other trusts, making uniform the law with respect to decedents and certain others; amending section 33, chapter 64, Laws of 1895 and RCW 6 12 080, amending section 4, chapter 64, Laws of 1895 as last amended by section 2, chapter 196, Laws of 1945 and RCW 6 12 090, amending section 11 80 055, chapter 145, Laws of 1965 and RCW 11 80 055; amending section 2409, Code of 1881 and RCW 26 16 030, amending section 30 20 010, chapter 33, Laws of 1955 and RCW 30 20 010; amending section 30 20 015, chapter 33, Laws of 1955 as last amended by section 5, chapter 133, Laws of 1967 and RCW 30 20 015, amending section 30 20 020, chapter 33, Laws of 1955 as amended by section 2, chapter 280, Laws of 1961 and RCW 30 20 020, amending section 30 24 020, chapter 33, Laws of 1955 and RCW 30 24 020, amending section 32 12 010, chapter 13, Laws of 1955 as last amended by section 1, chapter 145, Laws of 1967 and RCW 32 12 010, amending section 32 12 020, chapter 13, Laws of 1955 as last amended by section 2, chapter 55, Laws of 1969 and RCW 32 12 020; amending section 32 12 030, chapter 13, Laws of 1955 as last amended by section 4, chapter 176, Laws of 1963 and RCW 32 12 030, amending section 46, chapter 235, Laws of 1945 as amended by section 6, chapter 246, Laws of 1963 and RCW 33 20 080, amending section 2, chapter 139, Laws of 1939 as amended by section 1, chapter 210, Laws of 1967 and RCW 49 48 120, amending section 10, chapter 173, Laws of 1933 as amended by section 9, chapter 31, Laws of 1943 and RCW 31 12 140; creating new sections; repealing inconsistent legislation; and declaring an effective date.

Referred to Judiciary Committee.

There being no objection the rules were suspended and additional sponsors were added to Senate Bill No. 313.

SENATE BILL NO. 314, by Senators Holman, Peterson (Lowell) and Connor (by Joint Committee on Governmental Cooperation and departmental request):

An Act relating to public lands; concerning and under the jurisdiction of the department of natural resources, creating new sections; amending section 32, chapter 255, Laws of 1927 and RCW 79 01 128; amending section 1, chapter 20, Laws of 1963 and RCW 79 44 003, repealing section 1, chapter 175, Laws of 1933, section 1, chapter 159, Laws of 1949, section 1, chapter 301, Laws of 1955 and RCW 79 56 010; and repealing section 1, chapter 73, Laws of 1939 and RCW 79 56 020.

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO. 315, by Senators Gissberg, Andersen, Ridder, Cooney and Francis (by Attorney General request)

An Act relating to consumer protection; enacting a "Unit Pricing Act"; and prescribing penalties

Referred to Committee on Commerce and Regulatory Agencies.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 315.

SENATE BILL NO. 316, by Senators Mardesich, Clarke and Foley:

An Act relating to mutual savings banks, authorizing investment in low-cost housing and environmental improvements, adding new sections to chapter 13, Laws of 1955 and to chapter 32.20 RCW

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 317, by Senators Metcalf, Dore and Peterson (Ted)

An Act relating to education, including the transportation of students or pupils

therefor, adding a new section to chapter 223, Laws of 1969 ex sess and to chapter 28A.41 RCW; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 318, by Senators Greive, Day and Connor

An Act relating to the publication, sale, and exhibition of certain written material, photographs, pictures, motion pictures and other materials; and requiring the labeling of obscene materials and prohibiting the sale or exhibition thereof to minors

Referred to Judiciary Committee.

SENATE BILL NO 319, by Senators Walgren and Twigg (by Municipal Committee request).

An Act relating to eminent domain by cities, and adding new sections to chapter 8 12 RCW

Referred to Committee on Cities, Towns and Counties

SENATE BILL NO 320, by Senator Durkan (by State Auditor request)

An Act relating to the Washington public employees' retirement system, and amending section 3, chapter 274, Laws of 1947, as last amended by section 2, chapter 174, Laws of 1963 and RCW 41 40.030.

Referred to Committee on Public Pensions and Social Security.

SENATE BILL NO 321, by Senators Walgren and Twigg (by Municipal Committee request).

An Act relating to state government, increasing the membership of the advisory committee on the drug control unit, and amending section 8, chapter 63, Laws of 1970 ex sess and RCW 43.43.660

Referred to Committee on State Government

SENATE BILL NO. 322, by Senators Metcalf, Ridder and Elicker (by Joint Committee on Education request).

An Act relating to education, and adding new sections to chapter 223, Laws of 1969 ex sess. and to chapter 28A.58 RCW

Referred to Committee on Education.

SENATE BILL NO 323, by Senators Knoblauch and Atwood (by departmental request).

An Act relating to the department of social and health services; amending section 8, chapter 18, Laws of 1970 ex sess. and RCW 41 06 076, and amending section 7, chapter 18, Laws of 1970 ex sess. and RCW 43.20A.090.

Referred to Committee on State Government.

SENATE BILL NO 324, by Senators Francis, Gardner and Elicker (by Urban Affairs Council request):

An Act relating to state government, establishing a governor's population study council, adding a new chapter to Title 43 RCW, and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO 325, by Senator Metcalf (by Joint Committee on Education request):

An Act relating to education.

Referred to Committee on Education.

SENATE BILL NO 326, by Senator Francis (by Joint Committee on Education request).

An Act relating to education.

Referred to Committee on Education



SENATE BILL NO. 327, by Senators Ridder and Storani (by Joint Committee on Education request):

An Act relating to voluntary, tuition free attendance programs among school districts; and amending section 11, chapter 130, Laws of 1969 and RCW 28A.58.245

Referred to Committee on Education.

SENATE BILL NO. 328, by Senators Ridder, Murray and Fleming (by Joint Committee on Education request)

An Act relating to revenue and taxation, and providing special levy relief for school districts.

Referred to Committee on Education.

SENATE BILL NO. 329, by Senators Sandison, Foley and Atwood:

An Act relating to insurance and health care programs for public employees of institutions of higher education, and amending section 28B 10 660, chapter 223, Laws of 1969 ex sess. as amended by section 4, chapter 237, Laws of 1969 ex sess. and RCW 28B 10 660

Referred to Committee on Higher Education and Libraries

SENATE BILL NO. 330, by Senators Ridder, Peterson (Ted), Washington and Andersen (by Joint Committee on Education request).

An Act relating to public and instructional, educational television, repealing sections 28A.91 010 through 28A.91 060, chapter 223, Laws of 1969 ex sess. and RCW 28A.91.010 through 28A.91.060, and declaring an emergency

Referred to Committee on Education

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 330.

SENATE BILL NO. 331 by Senators Wilson and Donohue (by departmental request)

An Act relating to revenue and taxation, amending section 84 40 030, chapter 15, Laws of 1961 and RCW 84.40 030; and creating a new section.

Referred to Committee on Ways and Means - Revenue and Taxation

SENATE BILL NO. 332, by Senators Talley, Sandison and Henry:

An Act relating to crimes and punishment; adding a new section to chapter 249, Laws of 1909 and to chapter 9.54 RCW, and providing penalties.

Referred to Judiciary Committee

SENATE BILL NO. 333, by Senators Jolly, Peterson (Lowell) and Peterson (Ted):

An Act relating to the state game commission, amending section 77 04 060, chapter 36, Laws of 1955 as last amended by section 9 chapter 307, Laws of 1961, and RCW 77 04 060

Referred to Committee on State Government

SENATE BILL NO. 334, by Senators Peterson (Lowell), Stender and Herr (by departmental request):

An Act relating to the interagency committee for outdoor recreation, and amending section 11, chapter 5, Laws of 1965, as amended by section 2, chapter 62, Laws of 1967 ex sess. and RCW 43 99 110

Referred to Committee on State Government

SENATE BILL NO. 335, by Senator Gissberg:

An Act relating to food fish and shellfish, adding a new section to chapter 75.12 RCW; and prescribing penalties

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 336, by Senators Sandison, Peterson (Lowell) and Clarke (by Joint Committee on Governmental Cooperation request)

An Act relating to the determination of navigability of waters in the state of Washington, and creating new sections

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO 337, by Senators Sandison, Peterson (Lowell) and Clarke (by departmental and Joint Committee on Governmental Cooperation request):

An Act relating to the leasing and sale of state lands, and amending section 24, chapter 255, Laws of 1927 as last amended by section 1, chapter 46, Laws of 1970 ex. sess. and RCW 79.01.096

Referred to Committee on Education.

SENATE BILL NO 338, by Senators Sandison, Peterson (Lowell) and Clarke (by departmental and Joint Committee on Governmental Cooperation request):

An Act relating to state government, establishing a Washington state board on geographic names prescribing duties and responsibilities thereof, and for the use of geographic names

Referred to Committee on State Government.

SENATE BILL NO 339, by Senators Sandison, Peterson (Lowell) and Clarke (by departmental and Joint Committee on Governmental Cooperation request):

An Act relating to natural resource management, amending section 3b added to chapter 154, Laws of 1923 by section 3, chapter 288, Laws of 1927 as last amended by section 1, chapter 110, Laws of 1969 and RCW 76.12.030, and amending section 4, chapter 178, Laws of 1961 as amended by section 2, chapter 63, Laws of 1967 ex. sess. and RCW 79.64.040

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO 340, by Senators Holman and Peterson (Lowell) (by Joint Committee on Governmental Cooperation and departmental request):

An Act relating to the department of natural resources, and amending section 1, chapter 100, Laws of 1963 and RCW 76.01.060

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO 341, by Senators Peterson (Lowell), Day and Connor (by Joint Committee on Governmental Cooperation and departmental request):

An Act relating to forests, providing for forest protection, and amending section 2, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.251

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 342, by Senators Guess and Day.

An Act relating to civil service for city police, excluding certain chiefs of that department, and amending section 4 chapter 13, Laws of 1937 and RCW 41.12.050.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 343, by Senators Metcalf, Wilson and Holman (by Secretary of State request):

An Act relating to elections, providing for candidates' and voters' pamphlets, amending sections 29.80.020, 29.80.040, 29.80.050, 29.81.040, 29.81.100, 29.81.120 and 29.81.140, chapter 9, Laws of 1965 and RCW 29.80.020, 29.80.040, 29.80.050, 29.81.040, 29.81.100, 29.81.120 and 29.81.140, and adding a new section to chapter 9, Laws of 1965 and to chapter 29.81 RCW.

Referred to Committee on Constitution, Elections and Legislative Processes

SENATE BILL NO. 344, by Senators Holman, Bailey, Lewis and Peterson (Ted) (by Secretary of State request):

An Act relating to elections, providing for the regulation and reporting of campaign contributions and expenditures, establishing an elections commission, adding new sections to chapter 9, Laws of 1965 and to Title 29 RCW as a new chapter thereof, repealing section

29.18.140, chapter 9, Laws of 1965 as amended by section 9, chapter 150, Laws of 1965 ex. sess. and RCW 29.18.140; and prescribing penalties.

Referred to Committee on Constitution, Elections and Legislative Processes.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 344.

SENATE BILL NO. 345, by Senators Grewe, Lewis and Holman (by Secretary of State request):

An Act relating to the state civil service law; authorizing enumerated political activities by certain state employees, and amending section 25, chapter 1, Laws of 1961 and RCW 41.06.250

Referred to Committee on Constitution, Elections and Legislative Processes

SENATE BILL NO. 346, by Senators Odegaard, Metcalf and Ridder (by Joint Committee on Education request):

An Act relating to education.

Referred to Committee on Education.

SENATE JOINT MEMORIAL NO. 4, by Senators Greve, Metcalf and Knoblauch (by Secretary of State request):

Seeking amendments to federal communications act respecting television coverage of political candidates.

Referred to Committee on Constitution, Elections and Legislative Processes

SENATE CONCURRENT RESOLUTION NO. 4, by Senators Metcalf, Ridder and Flicker (by Joint Committee on Education request):

Providing for study on agency responsibility in educating handicapped children

Referred to Committee on Education

HOUSE BILL NO. 12, by Representatives Hoggins and Brouillet (by Joint Committee on Education request):

Abolishing obsolete authority of certain school districts to establish and maintain certain parental or truant schools.

Referred to Committee on Education.

HOUSE BILL NO. 13, by Representatives Hoggins, Brouillet and King (by Joint Committee on Education request):

Repealing obsolete sections dealing with negotiations by certificated community college employees in school districts.

Referred to Committee on Higher Education and Libraries.

HOUSE BILL NO. 14, by Representatives Hoggins, Brouillet, Knowles and Luders (by Joint Committee on Education request):

Deleting superfluous law relating to school holidays including programs suitable thereto

Referred to Committee on Education

HOUSE BILL NO. 15, by Representatives Hoggins, Brouillet and King (by Joint Committee on Education request):

Deleting certain common school provisions from the higher education code and reenacting them in their proper code

Referred to Committee on Education.

HOUSE BILL NO. 16, by Representatives Hoggins, Brouillet and Luders (by Joint Committee on Education request):

Deleting obsolete authority of superintendent of public instruction.

Referred to Committee on Education

HOUSE BILL NO 17, by Representative Hoggins and Brouilet (by Joint Committee on Education request).

Repealing obsolete law which provides for apportionment of public school funds to certain school districts for pupils from orphan homes  
Referred to Committee on Education.

HOUSE BILL NO 18, by Representatives Hoggins Brouilet King, Knowles and Luders (by Joint Committee on Education request):

Changing "county" and/or "intermediate district" to "intermediate school district" within certain sections of the common school code  
Referred to Committee on Education

HOUSE BILL NO 27, by Representatives Chatalas, Wolf and Kilbury (by State Treasurer request)

Increasing the state treasurer's faithful performance bond.  
Referred to Committee on State Government

HOUSE BILL NO 28, by Representatives Chatalas, Wolf and Kilbury (by State Treasurer request):

Placing assistant and deputy state treasurers under state's blanket performance bond  
Referred to Committee on State Government.

HOUSE BILL NO. 29, by Representatives Chatalas, Wolf, Kilbury and King (by State Treasurer request):

Allowing investment of state treasury surplus moneys in certain government sponsored corporations.  
Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO 30, by Representatives Chatalas and Wolf (by State Treasurer request).

Changing from monthly to annually the frequency for distribution of overload fines to counties, cities and towns  
Referred to Committee on State Government.

HOUSE BILL NO 92, by Representatives Charette, Julin, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request):

Correcting apparent clerical error in RCW 7.33.280  
Referred to Judiciary Committee

HOUSE BILL NO 93, by Representatives Charette, Julin, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request):

Correcting clerical error in RCW 11.24.010 (Probate Code).  
Referred to Judiciary Committee

HOUSE BILL NO. 94, by Representatives Charette, Julin, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request):

Correcting education code sections.  
Referred to Judiciary Committee.

HOUSE BILL NO 95, by Representatives Charette, Julin, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request):

Correcting double amendment to RCW 36.76 010.  
Referred to Judiciary Committee

HOUSE BILL NO 96, by Representatives Charette, Julin, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request):

Correcting double amendment to RCW 37.16.020.  
Referred to Judiciary Committee.

HOUSE BILL NO. 97, by Representatives Charette, Julin, Bottiger, Eickenberry, Knowles, McDermott and Ross (by Statute Law Committee request):

Correcting double amendments to RCW 43.17.010 and 43.17.020.

Referred to Judiciary Committee.

HOUSE BILL NO. 98, by Representatives Charette, Julin, Bottiger, Eickenberry, Knowles, McDermott and Ross (by Statute Law Committee request):

Correcting double amendment to RCW 54.24.018

Referred to Judiciary Committee.

HOUSE BILL NO. 99, by Representatives Charette, Julin, Bottiger, Eickenberry, Knowles, McDermott and Ross (by Statute Law Committee request):

Correcting double amendment to RCW 82.04.430.

Referred to Judiciary Committee

HOUSE BILL NO. 130, by Representatives Chatalas, Wolf, Copeland, Anderson, Biedsoe, O'Brien, Conner, Bozarth, Backstrom, Grant, Johnson, Bottiger, Hurley, Sawyer, Perry, Litchman, Gallagher, Flanagan, Conway, Lynch, Kopet, Cunningham and Goldsworthy (by State Treasurer request):

Authorizing the state treasurer to cash certain checks for state officers and employees.

Referred to Committee on State Government

HOUSE JOINT MEMORIAL NO. 8, by Representatives Sawyer, Marsh, May, Johnson, Chatalas, Adams, Anderson, Backstrom, Bauer, Beck, Benitz, Biedsoe, Blucchel, Bottiger, Bozarth, Bradley, Brown, Caccarelli, Charette, Charney, Conway, Cunningham, Curtis, Eickenberry, Flanagan, Gallagher, Gilleland, Gadder, Goldsworthy, Grant, Hansey, Harris, Hatfield, Haussner, Hubbard, Hurley, Jastad, Jones, Julin, Kilbury, King, Kirk, Kiskaddon, Knowles, Kopet, Kuehnle, Litchman, Luters, Lynch, Martinis, Marzano, McCormick, McDermott, Merrill, Moon, North, O'Brien, Pardini, Paris, Polk, Randall, Roselin, Ross, Schumaker, Shunpoch, Smith, Swayze, Wanamaker, Williams, Wojahn, Wolf, Zimmerman and Copeland:

Requesting the secretary of transportation to reconsider his "Preliminary report on the basic rail system"

Referred to Committee on Commerce and Regulatory Agencies.

#### MOTION

At 12:30 p.m., on motion of Senator Grewe, the Senate adjourned until 11:00 a.m., Tuesday, February 2, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

# TWENTY-THIRD DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, February 2, 1971.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Foley, Gissberg and Lewis. On motion of Senator Keefe, Senators Foley and Gissberg were excused. On motion of Senator McDougall, Senator Lewis was excused.

The Color Guard, consisting of Pages Kris Hansen, Color Bearer, and Kathy Klemp presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered prayer as follows:

"O Lord, our God, may this moment of prayer find each of us, in his own way, reaching out for Your help and guidance. Hear our prayers and be with us, and save us from a worship of the lips while our hearts are far away. Save us from hotheads who would have us act unwisely and prematurely, but also save us from cold feet that would keep us from acting at all. We would not avoid the discipline of hard thinking, but deliver us, O Lord, from wrong thinking that leads to wrong conclusions. Guide each person here in the deliberations of the day. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

February 1, 1971  
SENATE BILL NO. 78, providing for increased pension benefits for certain retired employees of institutions of higher education (reported by Committee on Public Pensions and Social Security):

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means—Appropriations.

Signed by: Senators Fleming, Chairman; Day, Herr, Holman, Murray, Odegard.

## MOTION

On motion of Senator Atwood, Senate Bill No. 78 was referred to the Committee on Ways and Means—Appropriations.

## GUBERNATORIAL APPOINTMENTS

February 1, 1971  
GEORGE W. HOLIFIELD, to the position of member of the State Personnel Board, appointed by the Governor on January 5, 1971 for the term ending January 4, 1975, succeeding R. R. Rathfelder (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Walgren, Chairman; Atwood, Elcker, Jolly, Lewis, Newschwander.

Passed to the Committee on Rules and Joint Rules.

February 1, 1971  
DONALD G. HANSEY, to the position of member of the Washington State Aeronautics Commission, appointed by the Governor on December 31, 1970 for the term ending December 31, 1975, succeeding himself (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Walgren, Chairman; Atwood, Elcker, Jolly, Lewis, Newschwander.

Passed to the Committee on Rules and Joint Rules.

## LETTER OF INFORMATION

January 28, 1971

HONORABLE JOHN CHERBERG,  
PRESIDENT OF THE SENATE,  
LEGISLATIVE BUILDING,  
OLYMPIA, WASHINGTON 98501

MR. PRESIDENT:

The Senate Committee on Revenue and Taxation has referred the following bill to the full Committee on Ways and Means.

HOUSE JOINT MEMORIAL NO. 1: Providing for revenue sharing with the states.

Sincerely,  
HUBERT F. DONOHUE, Chairman  
Revenue and Taxation Committee

## MESSAGE FROM THE HOUSE

February 1, 1971

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 312, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

There being no objection, the Senate returned to the third order of business.

## MESSAGES FROM THE SECRETARY OF STATE

January 28, 1971.

TO THE HONORABLE, THE PRESIDENT OF THE SENATE,  
THE LEGISLATURE OF THE STATE OF WASHINGTON,  
OLYMPIA, WASHINGTON

SIR:

On August 20, 1970, Irving E. Stimpson, a registered voter and resident of the State of Washington, and secretary of the Washington Committee to Stop Litter, for and on behalf of said organization tendered five copies of a proposed measure to be an Initiative to the Legislature of the State of Washington, accompanied by his affidavit. The name and post office address of the organization proposing this initiative for submission to the 1971 Legislature is:

Washington Committee to Stop Litter  
1828 IBM Building  
Seattle, Washington 98101

The copies of the proposed measure were filed and the measure was identified as Initiative Measure No. 40 to the Legislature. A copy was transmitted to the Attorney General for ballot title and, on August 28, 1970, the following ballot title was received from the Attorney General:

## "LITTER CONTROL ACT"

An Act regulating litter disposal; directing the Department of Ecology to administer its provisions and to promulgate necessary rules and regulations; establishing an ecology patrol with powers of enforcement, providing penalties and fines for littering; stating that littering from a moving vehicle is a moving violation, requiring litter receptacles marked with anti-litter symbols or logos to be placed in designated public places, and providing that administration of the act shall be financed in substantial part by assessments levied against manufacturers, wholesalers and retailers of goods, containers or wrappers which are reasonably related to the litter problem.

I further certify that on December 30, 1970, persons representing the Washington Committee to Stop Litter submitted signature petition sheets alleged to contain 140,000 signatures of registered voters for filing and canvass, and requested that a report of the final canvass and count be certified to the 1971 Legislature.

Accompanying the petitions was a financial statement reporting in detail the contributions received and expenditures made by the Washington Committee to Stop Litter relative to its signature campaign. The total amount of contributions reported was \$127,450.08, and the total amount of expenditures reported was \$117,543.15. The financial statement was certified over the signature of Irving E. Stimpson, the secretary of the sponsoring committee.

On January 11, 1971, a preliminary count of the signatures of the initiative petition was concluded by the office of the Secretary of State and the result of which indicated that there were approximately 141,226 names signed to the petition.

The canvassing of said signature petitions by random sampling was completed on

January 28, 1971 In view of the fact that the random sampling test demonstrated that this initiative contains more than the 111,356 valid signatures required by RCW 29 79 300 for certification, I am herewith certifying said initiative to the Legislature Number 40 to this 42nd Session of the Legislature of the State of Washington. Further, I am attaching herewith a certified copy of the sponsor's affidavit, the ballot title as issued by the Attorney General, and the complete text of such measure

Respectfully submitted,  
A LUDLOW KRAMER  
Secretary of State.

I, A. Ludlow Kramer, Secretary of State of the state of Washington and custodian of its seal, here certify that according to the records on file in my office:

The attached are the correct, true, and only affidavit of sponsorship, official ballot title, as issued by the Attorney General, and text of Initiative to the Legislature Number 40.

IN WITNESS WHEREOF, I have signed and have affixed the seal of the State of Washington to this certificate at Olympia, the state Capitol, January 28, 1971.

(SEAL OF THE STATE OF WASHINGTON)

A. LUDLOW KRAMER  
Secretary of State.

# INITIATIVE NO. 40 TO THE LEGISLATURE

## AFFIDAVIT OF SPONSORSHIP

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

IRVING E. STIMPSON, being first duly sworn, on oath deposes and says:

That he is a legal voter of the state of Washington residing at 8611 Inverness Drive Northeast, Seattle, Washington, and that he is the secretary of THE WASHINGTON COMMITTEE TO STOP LITTER and is authorized to make this affidavit of sponsorship on behalf of said organization, that the attached initiative to the legislature of the state of Washington is proposed by said organization, and that the members thereof are also legal voters of the state of Washington.

Address of sponsoring committee is as follows.

The Washington Committee to Stop Litter  
1828 IBM Building  
Seattle, Washington 98101

IRVING E. STIMPSON

SUBSCRIBED AND SWORN TO before me this 20th day of August 1970.

MARTIN CROWDER  
Notary Public in and for the state of  
Washington, residing at Seattle.

OFFICE OF THE ATTORNEY GENERAL  
SLADE GORTON ATTORNEY GENERAL  
TEMPLE OF JUSTICE OLYMPIA, WASHINGTON 98501

August 28, 1970.

Honorable A. Ludlow Kramer,  
Secretary of State,  
Legislative Building,  
Olympia, Washington 98501

Attention: Mr. Kenneth N. Gubert,  
Deputy Secretary of State.

RE Ballot Title for Initiative  
Measure No. 40 to the Legislature

Dear Sir:

Pursuant to the provisions of RCW 29.79.040, this office submits the following ballot title for Initiative Measure No. 40 to the Legislature

## "LITTER CONTROL ACT"

An Act regulating litter disposal directing the Department of Ecology to administer its provisions and to promulgate necessary rules and regulations, establishing an ecology



patrol with powers of enforcement providing penalties and fines for littering, stating that littering from a moving vehicle is a moving violation; requiring litter receptacles marked with antilitter symbols or logos to be placed in designated public places and providing that administration of the act shall be financed in substantial part by assessments levied against manufacturers, wholesalers and retailers of goods, containers or wrappers which are reasonably related to the litter problem.

Very truly yours,  
FOR THE ATTORNEY GENERAL  
DONALD H. BRAZIER, Jr.  
Chief Deputy Attorney General.

### INITIATIVE NO. 40 TO THE LEGISLATURE

An Act relating to the public welfare; providing for a Model Litter Control Act; amending section 46 56 135, chapter 12, Laws of 1961 as amended by section 1, chapter 52, Laws of 1965 ex. sess.; repealing section 1, chapter 36, Laws of 1909 as last amended by section 49, chapter 281, Laws of 1939 ex. sess. and RCW 9 61 120, repealing section 2, chapter 85, Laws of 1967 and RCW 9 66 060 repealing section 3 chapter 85 Laws of 1967 as amended by section 50 chapter 281, Laws of 1969 ex. sess. and RCW 9 66 070 repealing section 2, chapter 52, Laws of 1965 ex. sess. as amended by section 51 chapter 281, Laws of 1969 ex. sess. and RCW 46 61 650; and providing penalties

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON

**NEW SECTION.** Section 1. Recognizing the rapid population growth of the state of Washington and the ever increasing mobility of its people, as well as the fundamental and unalienable right of the people of this state to enjoy a healthful, clean and beautiful environment, and further recognizing that the proliferation and accumulation of litter discarded throughout this state endangers the free exercise and enjoyment of this right and constitutes a public health hazard; and further recognizing that there has been a collective failure on the part of government, industry and the public to anticipate, plan for, and accomplish effective litter control, there is hereby enacted the "Model Litter Control Act".

**NEW SECTION.** Sec. 2. The purpose of this 1971 amendatory act is to accomplish litter control throughout this state by delegating to a single state agency with effective enforcement power the authority to conduct a permanent and continuous program to control and remove litter from this state to the maximum extent possible. To this end the department of ecology of the state of Washington is hereby delegated the power, authority, and duty to carry out the provisions of this 1971 amendatory act. Every other department of state government and all local governmental units and agencies of this state shall cooperate with the department of ecology in the administration and enforcement of this 1971 amendatory act. The intent of this 1971 amendatory act is to add to and to coordinate existing litter control and removal efforts and not terminate or supplant such efforts.

**NEW SECTION.** Sec. 3. As used in this 1971 amendatory act, unless the context indicates otherwise

- (1) "Commission" means the ecological commission;
- (2) "Department" means the department of ecology;
- (3) "Director" means the director of the department of ecology;
- (4) "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the director of the department of ecology;
- (5) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing;
- (6) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the motor vehicle or watercraft of any person. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity;
- (7) "Litter receptacle" means those containers adopted by the department of ecology and which are standardized as to size, shape, capacity, and color and which bear the state antilitter symbol or logo and a statement of the penalties available for littering in this state, as well as any other receptacles suitable for the depositing of litter;
- (8) "Motor vehicle" means every vehicle which is self propelled and which is designed for carrying ten persons or less and which is used for the transportation of persons;
- (9) "Person" means any person, firm, partnership, association, corporation, or organization of any kind whatsoever;
- (10) "Watercraft" means any boat, ship, vessel, barge, or other floating craft;
- (11) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

**NEW SECTION.** Sec. 4. In addition to his other powers and duties, the director shall have the power to propose and to adopt pursuant to chapter 34.04 RCW rules and regulations necessary to carry out the provisions, purposes, and intent of this 1971 amendatory act, and the director shall propose and adopt such rules and regulations.

**NEW SECTION.** Sec. 5. The department shall establish and administer a "state ecology patrol" to patrol the parks, beaches, campgrounds, trader parks, and other public places of this state. Members of the state ecology patrol shall have the title of "ecology

patrolmen' It is the intention of this 1971 amendatory act to provide for a full time corps of ecology patrolmen averaging forty in number for duty throughout the year, as well as such additional part time ecology patrolmen as the director deems necessary to supplement the permanent corps for duty during the period between Memorial Day and Labor Day

Ecology patrolmen shall be compensated at the rate of not less than one hundred dollars per week and in addition, they shall be reimbursed for all mileage accrued or their own private automobiles used in the course of their patrol duties Whenever possible, ecology patrolmen shall be provided with state owned or operated motor vehicle, only for use in connection with their duties in enforcing the provisions of this 1971 amendatory act

In enforcing the provisions of this 1971 amendatory act, the state ecology patrol shall be aided by the Washington state patrol when violations occur on freeways, highways and the roads of this state, and by state park rangers, state game protectors, fire wardens forest rangers sheriffs, marshals, police officers, and their respective deputies, when violations occur within their respective jurisdictions

Ecology patrolmen and all of the foregoing individuals shall enforce all provisions of this act, as well as all rules and regulations adopted by the director relating to control of litter, and they are hereby empowered to issue citations to and, without warrant, arrest persons violating any such law or rules and regulations For the purpose of enforcing the provisions of law and rules and regulations of the director pertaining to the control of litter, ecology patrolmen may call to their aid any park or forest ranger, game protector, fire warden, sheriff, constable, state patrolman, police officer, or their deputies, and any such person shall render aid All of the foregoing individuals, including ecology patrolmen may serve and execute all warrants, citations, and other process issued by the courts in enforcing the provisions of this 1971 amendatory act and rules and regulations adopted hereunder In addition, mailing by registered mail of such warrant, citation, or other process shall be deemed as personal service upon the person charged

**NEW SECTION, Sec. 6.** No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public or private property in this state or in the waters of this state including but not limited to any state park beach, campground, trailer park, highway, road, street, or alley except

(1) When such property is designated by the state or by any of its agencies or political subdivisions for the disposal of garbage and refuse and such person is authorized to use such property for such purpose,

(2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters,

Any person violating the provisions of this section shall be guilty of a misdemeanor and the fine or bail forfeiture for such violation shall not be less than ten dollars for each offense, and, in addition thereto, in the sound discretion of any court in which conviction is obtained, such person may be directed by the judge to pick up and remove from any public place or any private property with prior permission of the legal owner upon which it is established by competent evidence that such person has deposited litter, any or all litter deposited thereon by anyone prior to the date of execution of sentence

**NEW SECTION, Sec. 7.** No person shall throw, drop, deposit, discard, or otherwise dispose of litter from any moving vehicle, upon or along the right of way of any public highway, or in any public park, campground, or upon any public beach or into waters of in or upon any other public place, except into a litter receptacle in such a manner that the litter will be prevented from being carried or deposited by the elements The driver of the vehicle as well as the person actually throwing, dropping, depositing, discarding, or otherwise disposing of the litter shall be in violation of this section

Any person violating the provisions of this section shall be guilty of a misdemeanor which shall constitute a moving traffic violation and such violator shall become a part of that person's individual driving record Record of convictions under this section shall be forwarded to the director of motor vehicles who shall add said violation to that department's point system and such violation shall be counted in determining an individual's total points under the point system of the department of motor vehicles

The fine or bail forfeiture for violation of this section shall not be less than ten dollars for each offense, and, in addition thereto, in the sound discretion of any court in which conviction is obtained, such person may be directed by the judge to pick up and remove from any public place any or all litter deposited thereon by anyone prior to the date of execution of sentence

**NEW SECTION, Sec. 8.** The director shall prescribe the procedures for the collection of fines and bail forfeitures including the imposition of additional fines for late payment of fines

**NEW SECTION, Sec. 9.** Pertinent portions of this 1971 amendatory act shall be posted in all hotel and motel rooms, restaurants, cafes and drive in restaurants, and in all campgrounds and trailer parks, at all entrances to state parks, at all public beaches, and at all other public places in this state where persons are likely to be informed of the existence and content of this 1971 amendatory act and the penalties for violating its provisions

**NEW SECTION, Sec. 10.** The department shall publicize this act as widely as possible

**NEW SECTION, Sec. 11.** The director by rule and regulation may require that disposable packages or containers to be marketed at retail within this state prominently display language discouraging littering and stating that such conduct is subject to penalty under the provisions of this 1971 amendatory act

**NEW SECTION Sec 12** The department shall design and the director shall adopt by rule and regulation one or more types of litter receptacles which are uniform as to size, shape, capacity and color, for wide and extensive distribution throughout the public places of this state. Each such litter receptacle shall bear an antilitter symbol or logo as designed and adopted by the department, as well as a statement of the penalties which may be levied for littering in this state. In addition, all such litter receptacles shall have heavy lids constructed of a suitable and durable material which shall be designed so as to attract attention and encourage the depositing of litter, while at the same time discouraging the deposit of household-type garbage.

Litter receptacles of the uniform design shall be placed at all parks, campgrounds, trader parks, drive-in restaurants, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, marinas, boat launching areas, boat moorage and fueling stations, public and private piers, beaches and bathing areas and such other public places within this state as specified by the director. The number of such receptacles required to be placed as specified herein shall be determined by a formula related to the need for such receptacles.

Any person or business organization operating a business of the types described in this section or specified by the director of the department who fails to place such litter receptacles on the premises in the numbers required by the department, shall be subject to fine or bad forfeiture of twenty-five dollars for each violation.

**NEW SECTION Sec 13** The department shall design and produce a litter bag bearing the state-wide antilitter symbol or logo and a statement of the penalties prescribed herein for littering in this state. As soon as possible after the effective date of this act, the department of motor vehicles shall distribute these litter bags at no charge to the owner of every licensed motor vehicle in this state at the time and place of license renewal. The department of ecology shall make such litter bags available at no charge to the owners of watercraft in this state, and also provide such litter bags at no charge at points of entry into this state and at visitor centers to the operators of incoming motor vehicles and watercraft.

**NEW SECTION Sec 14** The state-wide antilitter symbol or logo shall be prominently displayed on all state owned motor vehicles. However, the director is authorized to make necessary exceptions to this requirement.

**NEW SECTION, Sec. 15.** Responsibility for the removal of litter from litter receptacles placed at parks, beaches, campgrounds, trader parks, and other publicly owned public places shall remain upon those state and local agencies performing litter removal, and removal of litter from litter receptacles placed upon privately owned public places shall remain the responsibility of the owner of said premises.

**NEW SECTION Sec 16** There is hereby levied and there shall be collected by the department of revenue from every person engaging within this state in business as a manufacturer and/or making sales at wholesale and/or as making sales at retail, an annual litter assessment equal to the value of products manufactured and sold within this state, including by products, multiplied by one and one-half of one-hundredth of one percent (.015%) in the case of manufacturers, and equal to the gross proceeds of the sales of the business within this state multiplied by one and one-half of one hundredth of one percent (.015%) in the case of sales at wholesale and/or at retail.

**NEW SECTION Sec 17** Because it is the express purpose of this 1971 amendatory act to accomplish effective litter control within the state of Washington, and because it is a further purpose of this 1971 amendatory act to allocate a portion of the cost of administering this 1971 amendatory act to those industries whose products, including the packages, wrappings or containers thereof, are reasonably related to the litter problem, in arriving at the amount upon which the assessment is to be calculated only the value of products or the gross proceeds of sales of products falling into the following categories shall be included.

- (1) Food for human or pet consumption.
- (2) Groceries.
- (3) Cigarettes and tobacco products.
- (4) Soft drinks and carbonated waters.
- (5) Beer and other malt beverages.
- (6) Wine.
- (7) Newspapers and magazines.
- (8) Household paper and paper products.
- (9) Glass containers.
- (10) Metal containers.
- (11) Plastic or fiber containers, or containers made of synthetic material.
- (12) Cleaning agents and toiletries.
- (13) Non-drug drugstore sundry products.

**NEW SECTION Sec 18** The department of revenue by rule and regulation made pursuant to chapter 34.04 RCW may, if such is necessary, define categories (1) through (13) of section 17 of this 1971 amendatory act. In making any such definitions, the department of revenue shall be guided by the following standards:

(1) It is the purpose of this 1971 amendatory act to accomplish effective control of litter within this state.

(2) It is also the purpose of this 1971 amendatory act to allocate a portion of the cost of administration of this 1971 amendatory act only to those industries manufacturing and or selling products and the packages, wrappings, or containers thereof which are reasonably related to the litter problem within this state.

**NEW SECTION** Sec. 19. "Sold within this state" or "sales of the business within this state" as used in section 18 of this 1971 amendatory act shall mean all sales of retailers engaging in business within this state, and all sales of products for use or consumption within this state in the case of manufacturers and wholesalers.

**NEW SECTION** Sec. 20. All of the provisions of chapters 82.04 and 82.32 RCW such as they apply are incorporated herein except RCW 82.04.220 through 82.04.290, and 82.04.330.

**NEW SECTION** Sec. 21. The litter assessment herein provided for shall not be applied to the value of products or gross proceeds of the sales of food growers or persons raising any animal, bird, or insect or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, if the person performs only the growing or raising function. In all other instances, the assessment shall be applied.

**NEW SECTION** Sec. 22. Assessments, fines, bail forfeitures, and any other funds collected or received shall be earmarked for the administration and implementation of this 1971 amendatory act.

**NEW SECTION** Sec. 23. Each year the department shall allocate not more than one hundred thousand dollars for the study of available research and development in the field of litter control, removal, and disposal, as well as study methods for implementation in this state of said research and development. In addition, such fund may be used for the development of education programs concerning the litter problem. Grants shall be made available for these purposes to those persons deemed appropriate and qualified by the director.

**NEW SECTION** Sec. 24. In addition to the foregoing, the department of ecology shall

(1) Serve as the coordinating agency between the various industry organizations seeking to aid in the litter control effort;

(2) Recommend to the governing bodies of all local governments that they adopt ordinances similar to the provisions of this 1971 amendatory act;

(3) Cooperate with all local governments to accomplish coordination of local litter control efforts;

(4) Encourage, organize and coordinate all voluntary local litter control campaigns seeking to focus the attention of the public on the programs of this state to control and remove litter;

(5) Investigate the availability of, and apply for funds available from any private or public source to be used in the program outlined in this 1971 amendatory act.

**NEW SECTION** Sec. 25. To aid in the state-wide litter control campaign, the state legislature requests that the various industry organizations which are active in anti-litter efforts provide active cooperation with the department of ecology so that additional effect may be given to the litter control campaign of the state of Washington.

Sec. 26. Section 46.56.135, chapter 12, Laws of 1961 as amended by section 1, chapter 52, Laws of 1965 ex. sess. and RCW 46.61.655 are each amended to read as follows.

No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in the cleaning or maintaining of such roadway by public authority having jurisdiction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects.

*Any person violating the provisions of this section shall be guilty of a misdemeanor.*

**NEW SECTION** Sec. 27. The following acts are each hereby repealed:

(1) Section 1, chapter 36, Laws of 1909 as last amended by section 49, chapter 281, Laws of 1969 ex. sess. and RCW 9.61.120.

(2) Section 2, chapter 85, Laws of 1967 and RCW 9.66.060.

(3) Section 3, chapter 85, Laws of 1967 as amended by section 50, chapter 281, Laws of 1969 ex. sess. and RCW 9.66.070.

(4) Section 2, chapter 52, Laws of 1965 ex. sess. as amended by section 51, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.650.

**NEW SECTION** Sec. 28. If any provision of this 1971 amendatory act or its application to any person or circumstance is held invalid the remainder of the act, or the application of the provisions to other persons or circumstances, is not affected.

Initiative Measure No. 40 to the Legislature was referred to the Committee on Commerce and Regulatory Agencies.

January 29, 1971.

TO THE HONORABLE, THE PRESIDENT OF THE SENATE,  
THE LEGISLATURE OF THE STATE OF WASHINGTON,  
OLYMPIA, WASHINGTON

SIR,

On September 25, 1970, John R. Miller, a resident and registered voter of the State of

Washington and Vice-President of the Washington Environmental Council, for and on behalf of said organization tendered five copies of a proposed measure to be an Initiative to the Legislature of the State of Washington, accompanied by his affidavit. The name and post office address of the organization proposing this initiative for submission to the 1971 Legislature is:

Washington Environmental Council  
119 South Main Street  
Seattle, Washington 98104

The copies of the proposed measure were filed and the measure was identified as Initiative Measure No 43 to the Legislature. A copy was transmitted to the Attorney General for ballot title and, on October 5 1970, the following ballot title was received from the Attorney General:

**"REGULATING SHORELINE USE AND DEVELOPMENT"**

An Act relating to the use and development of salt and fresh water shoreline areas, including lands located within 500 feet of ordinary high tide or high water and certain wetlands, requiring the State Ecological Commission, with the advice of regional citizens councils, to adopt a statewide regulatory plan for these areas, requiring cities and counties to adopt plans to regulate shoreline areas not covered by the state plan; requiring both local and statewide plans to be based upon considerations of conservation, recreation, economic development and public access, and providing both civil and criminal remedies for violations of the act.

I further certify that on December 31, 1970, persons representing the Washington Environmental Council submitted signature petition sheets alleged to contain 155,000 signatures of registered voters for filing and canvass, and requested that a report of the final canvass and count be certified to the 1971 Legislature.

Accompanying the petitions was a financial statement reporting in detail the contributions received and expenditures made by the Washington Environmental Council relative to its signature campaign. The total amount of contributions reported was \$4,448 50, and the total amount of expenditures reported was \$9,594 87. The financial statement was certified over the signature of Thomas O. Wummer, the chairman of the Initiative 43 Committee of the Washington Environmental Council.

On January 12, 1971, a preliminary count of the signatures of the initiative petition was conducted by the office of the Secretary of State, the result of which indicated that there were approximately 160,217 names signed to the petition.

The canvassing of said signature petitions by random sampling was completed on January 28, 1971. In view of the fact that the random sampling test demonstrated that this initiative contains more than the 111,356 valid signatures required by RCW 29 79.200 for certification, I am herewith certifying said Initiative to the Legislature Number 43 to this 42nd Session of the Legislature of the State of Washington. Further, I am attaching herewith a certified copy of the sponsor's affidavit, the ballot title as issued by the Attorney General, and the complete text of such measure.

Respectfully submitted,  
A. LUDLOW KRAMER  
Secretary of State.

I, A. Ludlow Kramer, Secretary of State of the state of Washington and custodian of its seal, hereby certify that according to the records on file in my office:

The attached are the correct, true, and only affidavit of sponsorship, official ballot title as issued by the Attorney General, and text of Initiative to the Legislature Number 43.

IN WITNESS WHEREOF, I have signed and have affixed the seal of the state of Washington to this certificate at Olympia, the state Capitol, January 28, 1971.

(SEAL OF THE STATE OF WASHINGTON)

A. LUDLOW KRAMER  
Secretary of State.

**INITIATIVE MEASURE NO. 43 TO THE LEGISLATURE**  
(Refiling of Initiative No. 42 to Make Some Changes)

PROPOSER  
WASHINGTON ENVIRONMENTAL COUNCIL  
119 SOUTH MAIN STREET  
SEATTLE, WASHINGTON 98104

STATE OF WASHINGTON }  
COUNTY OF KING } ss

JOHN E. MILLER, being first duly sworn, on oath deposes and says: That the organization proposing the attached initiative is the Washington Environmental Council; that individual members of the Washington Environmental Council are residents and legal voters of the State of Washington, that he is a member and Vice President of the Washington

Environmental Council; that he is a resident and legal voter of the State of Washington, that he has been authorized by the Washington Environmental Council to file the attached initiative to the legislature on their behalf

JOHN R. MILLER

SUBSCRIBED TO AND SWORN TO before me this 21st day of September, 1970.

ELIZABETH M. ANDERSON  
Notary Public in and for the State  
of Washington, residing at Seattle.

AFFIDAVIT

OFFICE OF THE ATTORNEY GENERAL  
SLADE GORTON ATTORNEY GENERAL  
TEMPLE OF JUSTICE OLYMPIA, WASHINGTON 98501

October 5, 1970

Honorable A. Ludlow Kramer,  
Secretary of State,  
Legislative Building,  
Olympia, Washington 98501

Attention: Mr. Kenneth N. Gilbert,  
Deputy Secretary of State

RE: Ballot Title for  
Initiative Measure No. 43

Dear Sir

Pursuant to the provisions of RCW 28.79.040, this office submits the following ballot title for Initiative Measure No. 43 to the legislature:

REGULATING SHORELINE USE AND DEVELOPMENT

An Act to the use and development of salt and fresh water shoreline areas, including lands located within 500 feet of ordinary high tide or high water and certain wetlands requiring the State Ecological Commission, with the advice of regional citizens councils, to adopt a state-wide regulatory plan for these areas, requiring cities and counties to adopt plans to regulate shoreline areas not covered by the state plan, requiring both local and state-wide plans to be based upon considerations of conservation, recreation, economic development and public access; and providing both civil and criminal remedies for violations of the act.

Very truly yours,  
FOR THE ATTORNEY GENERAL  
DONALD H. BRAZIER, JR.  
Chief Deputy Attorney General

INITIATIVE NO 43 TO THE LEGISLATURE

SHORELINES PROTECTION ACT

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON

Section 1. *Title* This act shall be known and cited as the 'Shorelines Protection Act.'

Section 2. *Declaration of Policy.* The people of the state of Washington hereby find and declare:

(1) That the saltwater and freshwater shoreline areas of this state are held in public trust for all the people of the state and their descendants, and that they are a valuable and endangered natural resource;

(2) That the present pattern of haphazard, inappropriate and uncoordinated development of the shorelines is:

- (a) Threatening the public health, safety, welfare, comfort and convenience;
- (b) Diminishing the values of the shorelines held in trust;
- (c) Destroying the ecological balance of plant and animal communities,
- (d) Reducing open space available for public recreation and aesthetic enjoyment,
- (e) Diminishing the capacity of lands and waters to produce food;
- (f) Diminishing public access to publicly owned shoreline areas,
- (g) Obstructing the view of the shorelines
- (h) Increasing air, water, solid waste, noise, visual and other pollution.

(i) Preventing the existence and development of properly situated and designed commercial and industrial developments requiring location in the shoreline area,

(j) Reducing present and future job opportunities for the people of this state,

(k) Limiting public navigation;

(l) Reducing the value of private property,

(m) Reducing the attractiveness of the state to tourists, thereby jeopardizing an important state industry.

(3) That the adoption, implementation and enforcement of a comprehensive plan for the shorelines will have a significantly beneficial effect on the preservation and development of the shorelines for the public good

(4) That for the public health, safety, welfare, comfort and convenience, it shall be the policy of the state to develop, establish and implement a comprehensive planning and permit system for the shorelines of the state of Washington to accomplish the following goals:

(a) Protection of the natural resources and natural beauty of the shoreline areas;

(b) Provision of appropriate locations for aquaculture and for commercial and industrial developments requiring location on the shoreline;

(c) Protection of the public's right to an unpolluted and tranquil environment.

(d) Provision for and protection of public access to publicly owned shoreline areas.

(e) Minimization of interference with view rights.

(f) Regulation of signs and illumination in the shoreline areas.

(g) Minimization of interference with the public's right to navigation and outdoor recreational opportunities.

(h) Protection and development of the capacity of the shoreline areas for the production of food resources;

(i) Conservation and enhancement of the natural growth of fish and wildlife;

(j) Preservation of areas of historic, cultural, scientific, and educational importance.

(k) Regulation of access to and traffic in the shoreline areas by motor vehicles and motor craft,

(l) Fulfillment of the responsibilities of each generation as the trustee of the shoreline areas for succeeding generations.

(5) That in planning for and in guiding the changing environments of the shoreline area it shall be the policy of the state to give preference to:

(a) Long term benefits over short term benefits.

(b) Statewide or regional interests over local interests.

(c) Natural environments over man-made environments.

(d) The location of industrial and commercial facilities in existing developed industrial or commercial areas over their location in undeveloped, rural or residential areas of the shoreline, in order that as great a portion of the shorelines as possible may remain in a natural and nonintensively used condition, and that existing commercial and industrial areas may be grouped, renewed and restored.

Section 3 Definitions. As used in this act

(1) "Saltwater shoreline" and "saltwater shoreline area" mean:

(a) All areas of land or water extending seaward to the outer limits of the state's seaward jurisdiction from the line of ordinary high tide, including but not limited to: beds, submerged lands, tidelands, harbors, bays, bogs, channels, canals, estuaries, sounds, straits, inlets, sloughs, salt marshes; those ponds, pools and wetlands that are contiguous to or have been divided off from tidal waters, and all rock and minerals beneath these lands and waters.

(b) Those lands extending landward for 500 feet in all directions as measured on a horizontal plane from the line of ordinary high tide as such line now or hereafter may from any cause be located

(2) "Freshwater shoreline" and "freshwater shoreline area" mean:

(a) All areas of land or water up to the line of ordinary high water of a river, lake or reservoir, including, but not limited to: beds, submerged lands, banks, marshes, bays, bogs, harbors, channels, canals, straits, deltas, inlets, sloughs and all rock and minerals beneath these lands and waters.

(b) Those lands adjoining any river, lake, or reservoir extending landward for 500 feet in all directions as measured on a horizontal plane from the line of ordinary high water as said line now or hereafter may from any cause be located.

(3) "Shoreline" and "shoreline area" mean both saltwater shorelines and freshwater shorelines.

(4) "River" means any flowing body of water or portion thereof including rivers, streams and creeks, but shall not include artificially constructed waterways used principally for carrying water for uses for which a legal appropriation of water exists.

(5) "Lake" means a natural or man-made inland body of standing water in a depression of land

(6) "Line of ordinary high tide" and "line of ordinary high water" means the line which the water impresses on the soil by covering it for sufficient periods to deprive the soil of vegetation. In any area where the line of ordinary high tide or the line of ordinary high water cannot be determined, the line of ordinary high tide shall be the line of mean higher high tide and the line of ordinary high water shall be the line of mean high water.

(7) 'Navigable for public use' means having sufficient water at any time during the

year to float a device or craft now or hereafter used by the public for transportation in pursuit of commercial or recreational activity.

(8) "Department" means the department of ecology.

(9) "Director" means the director of the department of ecology.

(10) "Commission" means the ecological commission.

(11) "Council" means regional citizen council.

(12) "Owner" means holder of a legal or equitable interest in property.

(13) "Local government" means cities, counties, public utility districts, port districts, or other municipal corporations and regional planning authorities.

(14) "Person" means an individual, partnership and any organization, or officer thereof, which shall include a corporation, association, cooperative municipal corporation, federal, state or local governmental agency, or any two or more of the foregoing.

(15) "Development" means the division of land after the effective date of this act into two or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer, and the following project, commenced or altered after the effective date of this act for which either the fair market value or cost, including the cost of surveying and engineering, is in excess of \$100 in any one year period: draining, dredging, excavating, removing of soil, mud, sand, stones or gravel, dumping, filling or depositing of any soil, mud, sand, stones, gravel, manufactured items or rubbish, driving of pilings or placing of obstructions, commercial boring, drilling, testing or exploring for any mineral, including oil and or gas, the logging or cutting of timber for commercial purposes, the erecting or exterior alteration of a structure of any kind, or any combination of the foregoing.

(16) "Substantial development" means the division of ten or more acres of land after the effective date of this act into two or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer, and any development as defined in subsection (15) herein for which either the fair market value or cost, including the cost of surveying and engineering, is in excess of \$50,000 in any one-year period.

(17) "Reasonable public notice" means notice in writing to any person who has requested such notice at least one month prior to the specified hearing and the publication of notice at least once in each of the four weeks preceding the specified hearing, in at least one newspaper of general circulation publishing at least six days of the week in all of the following cities: Seattle, Olympia, Tacoma, Everett, Vancouver, Pasco, Wenatchee, Yakima, Spokane, and Walla Walla, Washington and Portland, Oregon, and in at least one newspaper of general circulation in each of the counties affected by the subject matter of the hearing.

**Section 4. Application and Exemptions.** This act shall apply to the saltwater and freshwater shoreline areas of the state of Washington, provided that:

(1) The planning and permit authority given in this act to the department shall not apply to freshwater shoreline areas along and including lakes that have a water surface area smaller than twenty surface acres at all times of the year nor to freshwater shoreline areas along rivers above the upstream limit of navigability for public use as determined by the department, except as provided in section 11.

(2) An applicant receiving certification pursuant to the Thermal Power Plants Act, Chapter 45, Laws of 1970 shall not be required to obtain a permit under this act to develop a thermal power plant, associated transmission lines or an off-stream body of water pursuant to said certification.

(3) An owner of property on the effective date of this act within the shoreline area shall not be required to obtain a permit under this act to construct upon said property above the line of ordinary high tide or ordinary high water a single family residence for his own use or the use of his family.

(4) This act shall not be construed to increase or decrease public access to freshwater shoreline areas used by local governments to supply water for human consumption and

(5) This act shall not require the removal, destruction or alteration of any structure or development existing upon the effective date of this act.

**Section 5. Preparation of the Comprehensive Plan and Inclusion Therein of City and County Plans.** The department shall prepare for consideration by the commission a comprehensive plan for the shorelines of the state of Washington which shall be in accordance with the findings and declarations of section 2 of this act.

Before preparing the comprehensive plan, the department shall study the characteristics of the saltwater and freshwater shoreline areas and adjacent areas, including quality, quantity and movement of the waters, ecological relationships within the shoreline areas and the needs of the state's population for employment, recreation and esthetic satisfaction. The department shall examine present and proposed uses of the saltwater and freshwater shoreline areas and shall consider current plans and zoning regulations of the cities and counties.

In drafting a comprehensive plan, the department shall consider plans, studies, surveys, and other information concerning saltwater and freshwater shoreline areas which have been or are being developed by federal and state agencies, local governments, private individuals or organizations, or other appropriate sources. Particular emphasis shall be placed on obtaining and using scientific information regarding the hydrology, geology, topography, ecology, and other scientific data relating to the shoreline areas. The department shall consult with officials of local governments in areas affected by the plan and with the regional citizens' councils established in this act.

Cities and counties may submit plans for the shoreline areas to the department, and where the department finds that such plans are consistent with the findings and declarations



of section 2 of this act, it shall consider and may include as a part of the department's proposed comprehensive plan for any given area, any part of all of the plan submitted by a city or county.

The department's comprehensive plan shall include the following elements:

(1) A conservation element for the preservation and restoration of natural resources, including but not limited to scenic vistas, water sheds, forests, soils, fisheries, wildlife and minerals, and lands and waters giving esthetic enjoyment;

(2) A recreation element for the preservation and enlargement of recreational opportunities, including but not limited to parks, beaches, and recreational easements;

(3) An economic development element for the location and design of industries, tourist facilities, commerce and other developments that require a location in the shoreline area;

(4) A public access element for the preservation and enlargement of opportunities for public access to publicly owned shoreline areas, including but not limited to trails, access roads, streets and highways, walkways, parking areas, and boat launching and moorage areas;

(5) An historic, cultural, scientific and educational element for the protection and restoration of buildings, sites and areas having historic, cultural, scientific or educational values;

(6) Any other element which in the opinion of the commission is necessary to the development of the comprehensive plan and to accomplish the findings and declarations of section 2 of this act.

The comprehensive plan shall contain maps and written text and shall designate on the maps and in the written text the acceptable uses and the conditions to be placed on such use or uses in each portion of the shoreline.

**Section 6. Regional Citizens' Councils.** The director shall divide the state into seven or more regions which shall contain whole counties and shall reflect the geography of the river basins and the similar nature of the shorelines among the counties within the regions. One citizens' council shall be established in each region.

The regional citizens' councils shall advise the department in the preparation of comprehensive plans for their particular regions. The councils shall cease to exist after the commission shall approve the comprehensive plan pursuant to section 7 of this act.

Each council shall be non-partisan and shall be composed of more than thirty members who shall include two members of the legislative body of each county in the region, the county executive of each county in the region having a county executive, the mayor of the largest city in each county in the region, the mayor of each city having a population in excess of 10,000 at the 1970 census in the region and a number of citizen members who are not employed by or are not officials of a city or county and who shall form a majority of the council. The citizen members shall be appointed by the governor from among the electors of the state. Members of each council shall be appointed within sixty days after the effective date of this act. One-tenth of the citizen members shall represent the statewide concern for shorelines within the region and shall not be residents of the region. Any city or county official member may appoint a representative to serve in his place on the council. Vacancies shall be filled within sixty days in the same manner as the original appointments. The chairman and vice-chairman of each council shall be appointed from among the citizen members by the governor.

The council shall meet at such times and places as shall be designated by the chairman. Members of the councils shall receive reimbursement for their travel expenses as provided in RCW 43.03.060, as now or hereafter amended.

The director may from time to time establish and dissolve additional committees and task forces composed of members of the several regional citizens' councils and/or the general public to examine and comment on specific problems, river basins, shoreline areas, or amendments to the comprehensive plan. Members of these committees and task forces shall receive reimbursement for their travel expenses as provided in RCW 43.03.060, as now or hereafter amended.

**Section 7. Adoption of the Comprehensive Plan.** The department shall submit to the commission a comprehensive plan for the saltwater and freshwater shoreline areas within the state of Washington as prescribed by this act within thirty-six months of the effective date of this act.

The commission shall, after giving reasonable public notice, hold at least one public hearing in each region designated pursuant to section 6 herein.

The comprehensive plan shall be adopted and take effect upon a majority vote of all the commission. The comprehensive plan may be adopted by divisions or segments possessing geographical, topographical, political or river or lake basin identity.

The comprehensive plan, and all amendments thereto, shall be filed with the county auditor of each county of the state and shall become part of the land records of the respective counties.

**Section 8. Modification of Plans.** The commission may by majority vote amend or rescind parts of the comprehensive plan where necessary to implement the declarations and findings contained in section 2 after giving reasonable public notice and then holding a public hearing in each county affected by the amendment or rescission.

**Section 9. Implementation of the Plan.** No person shall cause a development to take place in the shoreline areas without a permit issued by the department, or by a city or county pursuant to section 10, provided, that permits shall not be required for:

(1) Normal maintenance or repair of existing structures or developments;

(2) Construction by the owner on property he occupies for his own residential use or the use of his family of the normal protective bulkhead, dock or outbuildings common to single family residences in the immediate area or for the landscaping of such property to improve the appearance of the land or buildings.

(3) Construction on a property used for agricultural purposes of a barn or similar building above the line of ordinary high tide or ordinary high water;

(4) Any emergency measures or repairs not falling under (1), (2), and (3) above that are necessitated by fire, flood, windstorm or similar act of nature or accident, or criminal act.

The commission shall adopt appropriate administrative regulations for the granting, denying, granting subject to conditions or rescinding of permits for any proposed development in the shoreline areas, and may specifically adopt administrative regulations for the routine issuance of permits for proposed developments in intensively developed areas above the line of ordinary high tide or ordinary high water.

The department shall issue permits pursuant to this section only if the proposed development is consistent with the findings and declarations set out in section 2 and the comprehensive plan. Applicants for permits shall have the burden of proving by a preponderance of the evidence that the proposed development is consistent with the findings and declarations set out in section 2 and the comprehensive plan. The department shall rescind any permit upon finding that an applicant has either not complied with conditions imposed by the department or not following his own previously submitted development plan, and further finding that such noncompliance results in the development not conforming with the findings and declarations of section 2 or the comprehensive plan.

Until the comprehensive plan is adopted, the department shall base its decisions on permit applications and rescissions on consistency with the findings and declarations of section 2.

All findings on permit applications, together with the applications, supportive materials and the reasons for the finding, shall be reduced to writing.

The department shall notify other state and federal agencies and local governments as well as private groups and individuals who are interested in a particular permit decision so that said entities may, if they desire, submit data to the department.

Any person aggrieved by a decision of the department in granting or rescinding a permit shall have the right to a hearing before the pollution control hearings board pursuant to procedures established by the Environmental Quality Reorganization Act of 1970, Chapter 62, Laws of 1970. The pollution control hearings board shall review the department's decision in light of the findings and declarations set out in section 2 and shall affirm, modify or reverse said decision. The decision by the department in granting or rescinding a permit shall be made without a formal hearing.

**Section 10. Delegation of Authority by Department to Counties and Cities.** Following the adoption of the comprehensive plan the department may designate and delegate to requesting counties and cities the department's authority or portion thereof under section 9 herein over those developments that are not substantial. Such designation and delegation may be made and may be withdrawn only after the department considers the following factors:

(1) The severity of the impact of various classes of development on the ecology of the shoreline;

(2) The jurisdiction of particular state agencies, counties and cities and conflicts in jurisdiction with other state agencies or local governments;

(3) The experience and ability of particular counties and cities in regulating proposed developments.

The department shall retain jurisdiction and exercise all authority given to it by this act over substantial developments. Cities and counties exercising authority under this section shall act pursuant to and comply with all the provisions of section 9 herein provided that any person concerned with a decision of a city or county in granting or rescinding a permit shall have such hearing rights as may be provided by existing state laws or by existing county or city ordinances.

**Section 11. Responsibilities of Counties and Cities.** To preserve and protect freshwater shorelines along rivers that are not navigable for public use and along lakes that are smaller than twenty surface acres at all times of the year, cities and counties shall within thirty six months of the effective date of this act enact legislation for the management and protection of such shoreline areas in conformance with the declarations and findings set out in section 2 of this act.

Within ten days of the enactment of such legislation, it shall be submitted to the commission for approval. If the commission finds that the legislation is not consistent with the declarations and findings of section 2 of this act, it shall notify the county or city of the deficiencies in its legislation. The county or city shall amend its legislation and return it to the department within ninety days.

If within forty-eight months from the effective date of this act no legislation has been enacted and approved by the commission for a given city or county the department shall develop and propose and the commission shall adopt a comprehensive plan and regulations for the management and protection of those shoreline areas in the same manner as provided in sections 7, 8 and 9. Such plans and regulations shall have the full force of law within the county or city and shall be administered by the city or county affected.

**Section 12. Power Reserved to Cities and Counties.** The issuance of a permit by the

department under section 9 or by its designee under section 10 shall not authorize a person to cause a development to take place in violation of any other state law or regulation, or any city or county ordinance or resolution.

No person shall apply for a permit pursuant to sections 9 or 10 of this act without first having complied with applicable county and city regulations and ordinances.

**Section 13. Shoreline Environment Erosion Control.** No person shall be granted a permit pursuant to sections 9 or 10 for commercial harvesting or cutting of timber when the proposed harvesting or cutting would result in openings in the forest canopy within the shoreline areas larger in diameter than the average height of the immediately surrounding trees, except where the cutting or harvesting is in pursuit of a development other than logging or timber cutting granted a permit pursuant to this act or where the director finds that the proposed harvesting or cutting is needed to meet or avert a threat to the public health or safety.

**Section 14. Consumer Protection.** No person shall sell or otherwise transfer, except by gift or will, or offer for sale or transfer, except by gift or will, any interest in lands or waters within the shoreline area without including in any written or printed advertisement or offer for sale or transfer and in any instruments of sale or transfer the following notice in ten-point bold-face type or larger, or if by typewriter, in capital letters:

"NOTICE

Part or all of the lands and waters concerned herein are within the shoreline area of the state of Washington and subject to the environmental protection restrictions of the Shorelines Protection Act. Developments and modifications of these lands or waters are subject to regulation. Contact the Department of Ecology, Olympia, Washington, for information regarding the regulations applying to these lands and waters, or see a copy of the regulations at the office of your County Auditor."

Failure to comply with this section shall not affect the title to any property except that such failure shall be grounds for rescission by the purchaser or transferee.

**Section 15. Oil and Gas Exploration and Production.** No permit shall be issued to any person pursuant to this act to bore, excavate, drill, test drill, conduct seismic explorations or remove any oil and/or gas from the shoreline areas of Puget Sound, including Hood Canal and the San Juan Islands provided, that the department may conduct explorations necessary to carry out the study provisions of this section.

Within thirty-six months of the effective date of this act the director shall submit to the governor a study report and recommendations on the exploration and production of oil and gas from the shoreline areas of the state of Washington.

**Section 16. High Rise Structures.** No permit shall be issued pursuant to this act for any new or expanded building of more than thirty-five feet above average grade level on shorelines that obstruct the view of the shoreline from a substantial number of residences on areas adjoining the shoreline, except as the comprehensive plan shall designate specific areas where such buildings shall be permitted.

**Section 17. Private Property Rights.** Nothing in this act shall be construed to authorize the taking of private property without just compensation, nor impair or affect private riparian rights of owners of property in the shoreline areas as against another private individual, group, association, corporation, partnership or other private legal entity.

**Section 18. Public Navigation Rights.** Except as permitted by this act, there shall be no interference with or obstruction of the navigation rights of the public pursuant to common law as stated in such cases as the Washington State Supreme Court decision in *Wilbour v. Gallagher*, 77 Wash. Dec. 2d 307 (1969).

**Section 19. Administration.** To administer this act and pursuant to the Environmental Quality Reorganization Act of 1970, Chapter 62, Laws of 1970, there shall be established within the department a shoreline protection division responsible to the director and supervised by an assistant director.

The commission shall adopt regulations for the administration of this act, consistent with the policy of this act provided, that prior to the adoption of any such administrative regulations, a public hearing after reasonable public notice shall be held in Thurston County.

The department is authorized and directed to assign staff to assist the commission, regional citizens' councils, and other committees or task forces established pursuant to this act, and to furnish such administrative and informational services as the director may find necessary.

**Section 20. Right of Review.** Any plans or regulations adopted pursuant to this act by the commission or any city or county, any permits granted, denied or rescinded by the pollution control hearings board or any permits granted, denied or rescinded by a city or county pursuant to sections 10 or 11 of this act shall be subject to judicial review pursuant to the provisions of Chapter 34.04 RCW. Any judicial proceedings brought by any party relating to this act shall be instituted in the superior court of the county where the property affected is located or in the superior court of Thurston County if no definite property is related to the proceeding.

**Section 21. Public Documents.** Upon request and at the expense of the requesting party the department, city or county acting pursuant to this act shall make available for public inspection and copying during regular office hours or shall copy and mail any of the following materials:

- (1) Each permit application;
- (2) All final orders, made in the granting or denying of permit applications;
- (3) Proposed and adopted comprehensive plans, comprehensive plan amendments and related administrative regulations;

(4) Interdepartmental memoranda, permit findings and other recorded material related to permit functions;

(5) Administrative staff manuals and instructions to staff relating to the planning and permit functions herein that affect the public;

(6) Minutes of commission, board or council meetings relating to the planning and permit functions herein that affect the public;

(7) All evidence provided by applicants for permits.

Section 22. *Enforcement.* The attorney general shall enforce this act, including the provisions of any permit issued pursuant thereto and shall, at the request of the director or upon his own initiative, or upon the request of a private person, bring injunctive, declaratory, or other legal actions necessary to such enforcement.

If a private person has requested the attorney general to enforce this act, and the attorney general has declined to do so, the private person may institute an appropriate civil suit to enforce this act, including the provisions of any permit issued pursuant thereto in the name of the public, and if he prevails, shall be entitled to reasonable attorney's fees. One-half of such attorney's fees shall be assessed against defendant and one-half of such attorney's fees shall be assessed against the state if the court finds that the suit was commenced without reasonable cause, the defendant shall be entitled to reasonable attorney's fees from the plaintiff.

Section 23. *Damages.* Any person who violates any provision of this act or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation and for the cost of restoring the affected area to its condition prior to violation. The attorney general shall bring suit for damages under this section on behalf of the state, any of its agencies, or local governments. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. The court, if liability has been established for the cost of restoring an area affected by a violation, shall either compel the violator to restore the affected area at his own expense, or make other provision for assuring that restoration will be done within a reasonable time. In addition to such appropriate relief, including money damages which is provided by the court under this or other acts, a private person bringing a damage suit in his own behalf or on the behalf of others may, in the discretion of the court, recover his reasonable attorney's fees and court costs.

Section 24. *Civil Penalties.* Any person who violates any provision of this act except section 14 shall incur in addition to any other penalties provided by the law a penalty in an amount not less than fifty dollars (\$50.00) nor more than one thousand (\$1,000.00) a day for every such violation. Each and every such violation under this section shall be a separate offense, and in case of a continuing violation, every day's continuance shall be a separate violation. Prosecution to enforce this section may be brought by either the attorney general or prosecutor of the county where the affected property is located; provided, that if both the attorney general and the prosecutor of the county where the affected property is located refuse to prosecute under this section, a private person shall be entitled to do so. Fines collected pursuant to this section through prosecution by the prosecutor shall go to the general fund of the county. Fines collected pursuant to this section through prosecution by the attorney general shall go to the state's general fund. Fines collected pursuant to this section through prosecution by a private person shall go to the person bringing the suit.

Section 25. *Criminal Penalties.* Any person who violates any provision of this act except section 14 shall be guilty of a misdemeanor. Prosecutions pursuant to this section shall be brought in the county where the affected property is located by either the prosecutor of said county or the attorney general. Any fines collected pursuant to this section from prosecution by the county prosecutor shall go to the general fund of the county. Any fines collected pursuant to this section from prosecution by the attorney general shall go to the state general fund.

Section 26. *Financing.* To carry out the purposes of this act, there shall be appropriated to the department from the state general fund in the fiscal biennium in which this act takes effect the sum of \$500,000 and for the ensuing fiscal biennium the sum of \$900,000, provided, that such monies as are not expended shall be returned to the state general fund.

To help meet the costs of administering this act the department, or a city or a county issuing permits pursuant to this act shall by regulation or ordinance adopt a fee schedule for permit applications based on the estimated costs of processing different classes of permit applications. A permit applicant shall be required to pay the appropriate fee based on the fee schedule adopted by the governmental body issuing the permit. All fees collected pursuant to this section by the department shall be deposited in the state general fund. All fees collected pursuant to this section by a city or county shall go to the respective city or county general fund.

Section 27. *Cooperation With Local Governments and Private Persons.* The department shall cooperate, consult with and assist appropriate government agencies and private persons developing plans, studies, surveys, recommendations, or information on shorelines.

State and local government agencies shall cooperate fully with the department in furthering the purposes of this act.

Section 28. *Department's Authority to Contract.* For the purposes of administering this act, the department may enter into contracts or agreements with or receive funds from the state of Washington, the federal government or any governmental department, agency or any person.

**Section 29 Official Representative** The department is authorized to be the official representative of the state of Washington to the United States and its agencies, Canada, the states of Oregon and Idaho, the Province of British Columbia, and other interested state governments, organizations and individuals, in the fields of shoreline management and policy.

**Section 30, Severability** In any provision of this act, or its application to any person or legal entity or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or legal entities or circumstances shall not be affected.

**Section 31, Section Headings Not Part of Law** Section headings as used in this act shall not constitute any part of the law.

Initiative Measure No. 43 to the Legislature was referred to the Committee on Natural Resources, Fisheries and Game.

January 29, 1971.

TO THE HONORABLE, THE PRESIDENT OF THE SENATE,  
THE LEGISLATURE OF THE STATE OF WASHINGTON  
OLYMPIA, WASHINGTON.

SIR

On October 15, 1970, Lester P. Jenkins, a resident and registered voter of the State of Washington, and the Secretary of the 40-Mill Tax Limit Committee, for and on behalf of said organization tendered five copies of a proposed measure to be an Initiative to the Legislature of the State of Washington, accompanied by his affidavit. The name and post office address of the organization proposing this initiative for submission to the 1971 Legislature is:

40 Mill Tax Limit Committee  
1208 Vance Building  
Seattle, Washington 98101

The copies of the proposed measure were filed and the measure was identified as Initiative Measure No. 44 to the Legislature. A copy was transmitted to the Attorney General for ballot title and, on October 26, 1970, the following ballot title was received from the Attorney General:

**"STATUTORY TAX LIMITATION - 20 MILLS"**

An Act to limit tax levies on real and personal property by the state, and other taxing districts, except port and power districts, to an aggregate of twenty (20) mills on assessed valuation (50% of true and fair value), without a vote of the people, allowing the legislature to allocate or reallocate up to twenty (20) mills among the various taxing districts.

I further certify that on December 30, 1970, persons representing the 40-Mill Tax Limit Committee submitted signature petition sheets alleged to contain 230,000 signatures of registered voters for filing and canvass, and requested that a report of the final canvass and count be certified to the 1971 Legislature.

Accompanying the petitions was a financial statement reporting in detail the contributions received and expenditures made by the 40-Mill Tax Limit Committee relative to its signature campaign. The total amount of contributions reported was \$13,935.63, and the total amount of expenditures reported was \$13,935.63. The financial statement was certified over the signature of Lester P. Jenkins, Secretary of the sponsoring committee.

On January 11, 1971, a preliminary count of the signatures of the initiative petition was concluded by the office of the Secretary of State, the result of which indicated that there were approximately 229,583 names signed to the petition.

The canvassing of said signature petitions by random sampling was completed on January 28, 1971. In view of the fact that the random sampling test demonstrated that this initiative contains more than the 111,356 valid signatures required by RCW 29.79.200 for certification, I am herewith certifying said Initiative to the Legislature Number 44 to this 42nd Session of the Legislature of the state of Washington. Further, I am attaching herewith a certified copy of the sponsor's affidavit, the ballot title as issued by the Attorney General, and the complete text of such measure.

Respectfully submitted,  
A LUDLOW KRAMER  
Secretary of State.

I, A. Ludlow Kramer, Secretary of State of the State of Washington and custodian of its seal, hereby certify that according to the records on file in my office.

The attached are the correct, true, and only affidavit of sponsorship, official ballot title, as issued by the Attorney General, and text of initiative to the Legislature Number 44. IN WITNESS WHEREOF, I have signed and have affixed the seal of the state of Washington to this certificate at Olympia, the state Capitol, January 29, 1971.

(SEAL OF THE STATE OF WASHINGTON)

A LUDLOW KRAMER  
Secretary of State



INITIATIVE NO. 44 TO THE LEGISLATURE

AFFIDAVIT

STATE OF WASHINGTON )  
COUNTY OF KING )

LESTER P. JENKINS being first duly sworn, on oath deposes and says:  
I am the executive secretary of the 40-Mill Tax Limit Committee whose post office address is 1208 Vance Building, Seattle, Washington 98101 and I make this affidavit as required by RCW 29.79.010 in support of an initiative measure proposed by the 40-Mill Tax Limit Committee relating to property taxes, amending section 84.52.050, chapter 15, Laws of 1961 as last amended by section 5, chapter 92, Laws of 1970, 2nd Ex. Sess. and RCW 84.52.050.

The 40 Mill Tax Limit Committee is an organization whose members are legal voters of the state of Washington

LESTER P. JENKINS

SUBSCRIBED AND SWORN TO before me this 13th day of October 1970.

BETTY L. FUSSNER  
Notary Public in and for the state  
of Washington, residing at Edmonds.

OFFICE OF THE ATTORNEY GENERAL  
SLADE GORTON ATTORNEY GENERAL  
TEMPLE OF JUSTICE OLYMPIA, WASHINGTON 98501

October 26, 1970.

Honorable A. Ludlow Kramer,  
Secretary of State,  
Legislative Building,  
Olympia, Washington 98501

Attention Mr. Kenneth N. Gilbert,  
Deputy Secretary of State.

RE: Ballot Title for Initiative  
Measure No. 44 to the Legislature

Dear Sir:

Pursuant to the provisions of RCW 29.79.040, this office submits the following ballot title for Initiative Measure No. 44 to the Legislature:

STATUTORY TAX LIMITATION—20 MILLS

An Act to limit tax levies on real and personal property by the state, and other taxing districts, except port and power districts, to an aggregate of twenty (20) mills on assessed valuation (50% of true and fair value), without a vote of the people; allowing the legislature to allocate or reallocate up to twenty (20) mills among the various taxing districts.

Very truly yours,  
WAYNE L. WILLIAMS, Assistant Attorney General

INITIATIVE NO. 44 TO THE LEGISLATURE

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON

Section 1. Section 84.52.050, chapter 15, Laws of 1961 as last amended by section 5, chapter 92, Laws of 1970, 2nd Ex. Sess. and RCW 84.52.050 which read as follows.

Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies, now existing or hereafter created, shall not exceed twenty-two mills on the dollar of assessed valuation with respect to levies made in 1970 and twenty-one mills on the dollar of assessed valuation with respect to levies made in subsequent years, which assessed valuation shall be fifty percent of the true and fair value of such property in money: PROVIDED That if an amendment to Article VI., section 2 of the state Constitution, as amended by Amendment 17, imposing a limit on property taxes of, in effect, one percent of the true and fair value of property is approved by the voters, such aggregate of all tax levies shall not exceed twenty mills on the dollar of assessed valuation with respect to levies made in years subsequent to such voter approval; and within and subject to the aforesaid limitation the

levy by the state shall not exceed two mills to be used exclusively for the public assistance program of the state and the levy by any county shall not exceed four mills. PROVIDED, That if such constitutional amendment is so approved, the authority of the state to levy not to exceed two mills to be used exclusively for the public assistance program of the state shall be reduced to not to exceed one mill, and upon and after the effective date of the provisions of chapter 262, Laws of 1969 ex. sess., which impose a tax upon net income, such authority of the state shall expire and the levy by any county may exceed four mills but shall not exceed five mills the levy by or for any school district shall not exceed seven mills. PROVIDED, That in each of the years 1967 and 1968 and 1969 and 1970 the state shall levy a property tax of four mills of which two mills shall be used exclusively for the public assistance program of the state and of which two mills shall be used exclusively for the support of the common schools, and in such years in which the state shall validly levy a property tax of two mills for the support of the common schools, the levy by or for any school district shall not exceed six mills. PROVIDED FURTHER, That the levy by or for any union high school district shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any component district within a union high school district shall not exceed three-fifths of the maximum levy permissible for any school district without a vote of the electors thereof. PROVIDED FURTHER, That the levy against any nonhigh school district for the high school district fund shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any such nonhigh school district shall not exceed the balance of such maximum permissible levy. the levy for any road district shall not exceed five mills and the levy by or for any city or town shall not exceed seven and one-half mills. PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from four to five and after the effective date of the provisions of chapter 262, Laws of 1969 ex. sess., which impose a tax upon net income such authority of the state shall expire and the levy by any county may exceed four mills but shall not exceed five mills, the levy by or for any school district shall not exceed seven mills. PROVIDED That in each of the years 1967 and 1968 and 1969 and 1970 the state shall levy a property tax of four mills of which two mills shall be used exclusively for the public assistance program of the state and of which two mills shall be used exclusively for the support of the common schools and in such years in which the state shall validly levy a property tax of two mills for the support of the common schools, the levy by or for any school district shall not exceed six mills. PROVIDED FURTHER, That the levy by or for any union high school district shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any component district within a union high school district shall not exceed three-fifths of the maximum levy permissible for any school district without a vote of the electors thereof. PROVIDED FURTHER, That the levy against any nonhigh school district for the high school district fund shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any such nonhigh school district shall not exceed the balance of such maximum permissible levy. the levy for any road district shall not exceed five mills; and the levy by or for any city or town shall not exceed seven and one-half mills. PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from four to five and one-half mills for general county purposes and from three and one-half to five mills for county road purposes if the total levy for both purposes does not exceed nine mills. PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy four and one-half mills until such time as the junior taxing agencies are utilizing all the millage available to them.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

Are each amended to read as follows:

"Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies, now existing or hereafter created, shall not exceed twenty mills on the dollar of assessed valuation, which assessed valuation shall be fifty percent of the true and fair value of such property in money.

Nothing herein contained shall prohibit the legislature from allocating or reallocating up to twenty mills between the taxing districts of the state and its political subdivisions and nothing herein contained shall prevent levies at the rates provided by existing law by or for any port or power district."

Initiative Measure No. 44 to the Legislature was referred to the Committee on Ways and Means—Revenue and Taxation.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 347, by Senators Francis and Elicker:

An Act relating to businesses and professions providing for the regulation and licensing of the practice of manicuring, amending section 2, chapter 281, Laws of 1927 as last amended by section 1, chapter 3, Laws of 1965 ex. sess. and RCW 18.16.010, amending

section 1, chapter 215, Laws of 1937 as amended by section 2, chapter 3, Laws of 1965 ex sess. and RCW 18 18 030, amending section 18, chapter 215, Laws of 1937 and RCW 18 18 040, amending section 5, chapter 180, Laws of 1951 as last amended by section 6, chapter 3, Laws of 1965 ex sess and RCW 18 18 090; amending section 7, chapter 180, Laws of 1951 as last amended by section 11, chapter 3, Laws of 1965 ex sess and RCW 18 18 140, amending section 15, chapter 215, Laws of 1937 as amended by section 8, chapter 324, Laws of 1959 and RCW 18 18 220, amending section 11, chapter 52, Laws of 1957 as last amended by section 17, chapter 3, Laws of 1965 ex sess and RCW 18 18 260; and adding a new section to chapter 18.18 RCW

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO 348, by Senators Day, Whetzel and Francis:

An Act relating to air pollution control and water pollution control, amending section 53, chapter 168, Laws of 1969 ex sess and RCW 70 94 431, amending section 14, chapter 139, Laws of 1967 ex sess as amended by section 13, chapter 88, Laws of 1970 ex sess and RCW 90 48 144, and increasing civil penalties.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO. 349, by Senators Atwood and Clarke

An Act relating to townships, amending section 7, chapter 53, Laws of 1961 and RCW 45 80.070, and amending section 8, chapter 53, Laws of 1961 and RCW 45.80 080

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO 350, by Senators Day and Herr (by Joint Committee on Governmental Cooperation request):

An Act relating to the welfare of wild animals, adding new sections to chapter 77 12 RCW; and providing penalties.

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 351, by Senators Grewe, Day and Herr (by Joint Committee on Governmental Cooperation request):

An Act relating to state government, and amending section 9, chapter 272, Laws of 1969 ex sess. and RCW 79 24 666

Referred to Committee on State Government

SENATE BILL NO 352, by Senators Matson, Henry, Donohue and McDougall

An Act relating to revenue and taxation, amending section 82 12.030, chapter 15, Laws of 1961, as last amended by section 7 chapter 65, Laws of 1970 ex sess, and RCW 82.12.030 and prescribing an effective date.

Referred to Committee on Highways.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No 352

SENATE BILL NO 353, by Senators Canfield and Jolly:

An Act relating to law enforcement officers' and fire fighters' retirement.

Referred to Committee on Public Pensions and Social Security

SENATE BILL NO 354, by Senators Walgren, Holman and Durkan:

An Act relating to law enforcement officers and fire fighters, creating a new section, and adding new sections to chapter 41 26 RCW

Referred to Committee on State Government.

SENATE BILL NO 355, by Senators Peterson (Ted), Stortum, Stender and Ridder (by departmental request)

An Act relating to electrical inspections, and amending section 8 chapter 169, Laws of 1935 as last amended by section 4, chapter 71, Laws of 1969 ex sess, and RCW 19 28 210

Referred to Committee on Labor and Industrial Insurance



There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 355

SENATE BILL NO. 356, by Senators Day, Whetzel and Riddor.

An Act relating to pollution; providing for the regulation of the phosphorous content of soaps and detergents; creating new sections and prescribing penalties

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO 357, by Senators Scott, Washington and Whetzel (by executive request):

An Act relating to elections; providing for the regulation and reporting of campaign contributions and expenditures, adding a new chapter to chapter 9, Laws of 1965 and to Title 29 RCW, repealing section 29 18 140, chapter 9, Laws of 1965, section 9 chapter 150, Laws of 1965 ex sess and RCW 29 18 140, prescribing penalties, and making an effective date

Referred to Committee on Constitution, Elections and Legislative Processes.

SENATE BILL NO 358, by Senators Scott, Washington and Walgren (by executive request)

An Act relating to air and water pollution; amending section 53, chapter 168, Laws of 1969 ex sess and RCW 70 94.431, amending section 14, chapter 139, Laws of 1967 ex sess as amended by section 13, chapter 88, Laws of 1970 ex sess, and RCW 90 48 144, amending section 7, chapter 133, Laws of 1969 ex sess, as amended by section 9, chapter 88, Laws of 1970 ex sess, and RCW 90 48 350, creating new sections, and increasing civil penalties

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO. 359, by Senators Odegaard, Wilson and Huntley:

An Act relating to the apportionment of certain state funds

Referred to Committee on Ways and Means -Revenue and Taxation

SENATE BILL NO. 360, by Senators Huntley, McDougall and Washington (by Joint Committee on Highways request).

An Act relating to state highways, county roads, and city streets, amending section 1, chapter 24, Laws of 1963 as amended by section 43, chapter 145, Laws of 1967 ex. sess. and RCW 47.36 095, creating new sections, repealing section 1, chapter 173, Laws of 1963, section 1, chapter 39, Laws of 1969 ex sess. and RCW 47 05 010, repealing section 2, chapter 173, Laws of 1963, section 2, chapter 39, Laws of 1969 ex sess. and RCW 47.05.020, repealing section 3, chapter 173, Laws of 1963, section 33, chapter 170, Laws of 1965 ex. sess, section 3, chapter 39, Laws of 1969 ex sess. and RCW 47.05.030, repealing section 4, chapter 173, Laws of 1963, section 4, chapter 39, Laws of 1969 ex sess and RCW 47 05 040; repealing section 5, chapter 173, Laws of 1963, section 5, chapter 39, Laws of 1969 ex sess. and RCW 47 05.050, repealing section 23, chapter 83, Laws of 1967 ex. sess and RCW 47 26.170, making an appropriation, and prescribing an effective date.

Referred to Committee on Highways

SENATE BILL NO 361, by Senators Mardesich, Day and Huntley (by departmental request).

An Act relating to transportation; providing for the regulation of interstate air commerce, adding a new chapter to Title 81 RCW, and prescribing penalties

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO 362, by Senators Henry McDougall, Huntley and Washington (by Joint Committee on Highways request)

An Act relating to motor vehicles and the operation thereof; adding a new chapter to Title 46 RCW, defining crimes; and prescribing penalties.

Referred to Judiciary Committee.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 362

SENATE BILL NO. 363, by Senators Guess, Henry and Washington:

An Act relating to the acquisition of property by public agencies; amending section 47.52.050, chapter 13, Laws of 1961 and RCW 47.52.050; and adding a new section to chapter 8.25 RCW

Referred to Committee on Highways.

SENATE BILL NO. 364, by Senators Walgren and Twigg (by Municipal Committee request):

An Act relating to state government, establishing a state building council within the office of the state fire marshal, adopting a state building code, and adding a new chapter to Title 70 RCW

Referred to Committee on State Government.

SENATE BILL NO. 365, by Senators Walgren and Twigg (by Municipal Committee request):

An Act relating to cities and towns, amending section 35.02.150, chapter 7, Laws of 1965 and RCW 35.02.150, amending section 35.13.015 chapter 7, Laws of 1965, as last amended by section 6, chapter 52, Laws of 1970 ex. sess., and RCW 35.13.015, amending section 35.13.020, chapter 7, Laws of 1965, as last amended by section 8, chapter 73, Laws of 1967, and RCW 35.13.020, amending section 35.13.040, chapter 7, Laws of 1965 and RCW 35.13.040, amending section 35.13.050, chapter 7, Laws of 1965 and RCW 35.13.050, amending section 35.13.060, chapter 7, Laws of 1965 and RCW 35.13.060; amending section 35.13.080, chapter 7, Laws of 1965, as last amended by section 10, chapter 73, Laws of 1967, and RCW 35.13.080; amending section 35.13.090 chapter 7, Laws of 1965, as last amended by section 11, chapter 73, Laws of 1967, and RCW 35.13.090, amending section 35.13.100, chapter 7, Laws of 1965, as last amended by section 12, chapter 73, Laws of 1967, and RCW 35.13.100, amending section 35.13.110, chapter 7, Laws of 1965, as last amended by section 13, chapter 73, Laws of 1967, and RCW 35.13.110, amending section 35.13.125 chapter 7, Laws of 1965, as amended by section 10, chapter 88, Laws of 1965 ex. sess., and RCW 35.13.125, amending section 35.13.130, chapter 7, Laws of 1965, as amended by section 11, chapter 88, Laws of 1965 ex. sess., and RCW 35.13.130; amending section 35.13.160, chapter 7, Laws of 1965, as amended by section 12, chapter 88, Laws of 1965 ex. sess. and RCW 35.13.160, amending section 35.13.171, chapter 7, Laws of 1965 and RCW 35.13.171, amending section 35.13.172, chapter 7, Laws of 1965 and RCW 35.13.172, amending section 35.13.173, chapter 7, Laws of 1965 and RCW 35.13.173, amending section 35.13.174, chapter 7, Laws of 1965 and RCW 35.13.174; amending section 35.13.175, chapter 7, Laws of 1965 and RCW 35.13.175; and adding a new section to chapter 35.13 RCW,

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 366, by Senators Day, Holman and Odegaard (by departmental request):

An Act relating to public employment, and amending section 1, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.010.

Referred to Judiciary Committee.

SIGNED BY THE PRESIDENT

The President signed  
SENATE BILL NO. 312.

## MOTION

On motion of Senator Roder, the rules were suspended and the name of Senator Keefe was added to Senate Bill No. 330

## PERSONAL PRIVILEGE

Senator Mardesich: "Mr. President, I would rise to a point of personal privilege somewhat out of order and I would hope the body would bear with me

"I have been reading the papers for the last few days and this morning's paper. The papers have been somewhat concerned with a subject matter which will be coming before my committee tomorrow evening and I would like to remind the committee members of the importance of the meeting. It relates to the question of power and the lack thereof for this state in the future. There are brownouts predicted and there seems to be no action taken to avert those brownouts.

"We read in the papers that the federal government is cutting down, it has closed our nuclear reactors and it says that there are somewhere between five thousand and twelve thousand jobs involved and that in the face of already an unemployment rate of over thirteen percent for this state

"It says further that there will be a loss of somewhere between three hundred and eight hundred thousand kilowatts of energy when we are already facing a brownout and I would at this time seek to impress upon you members that it is an important meeting and I would hope you would be there.

"I note that the Governor says that he is considering the matter and conferring with various officials. These statistics seem to be basic and the Governor says he may go to Washington, D C in the future. I would suggest that the issue is clear enough and the problem grave enough that the Governor get on the next airplane to Washington, D C and talk to the President about this very serious matter

"I understand that there is a ten to twelve-day wait after the beginning of the shut down on the reactors, that there is a potential lead time of up to two years to reopen, once the closure is committed to and so I would again ask you to appear, make room on your schedules to appear tomorrow night, 8:00 hearing of the Committee on Commerce and Regulatory Agencies."

## POINT OF INQUIRY

Senator Guess: "Will Senator Mardesich accept a question? Senator Mardesich, I found out in conversations about the N and the K reactors that it would require approximately eleven million dollars to operate the plant for a year. This is what Bonneville Power has been paying for the steam so that the generators could operate. The total impact of the federal budget here is forty five million but this includes the operations of the N and the K reactors plus certain monies for experimental purposes in the field of ecology and for the Ferrari plant which I believe is in Savannah, Georgia

"Evidently we do not need the forty-five million but we do need the eleven million dollars but there is a problem with the N reactor, I am told, and remembering the tour that we had in 1955 to the project, they said then that the N reactor was an old type reactor and they did not know at that time whether or not it would be able to operate for the production of steam alone. They have since determined that they could not operate it as the new plants can operate, on low level production capacity for steam alone without operating at the same time for the production of plutonium, so it poses several questions that have not been answered.

"However, if we go into it I think we will find that the Congress has established certain regulations that the plant cannot be operated under a license agreement using the same fuel that has been developed for the dual purpose. It has been my information that no fuel or fuel levels have been established and would take some time to establish the fuel levels necessary for production of steam alone so there seem to be two things, or actually three. One is money, the other is regulations, and the third is the technical competence on the part of the operators to produce steam solely in a plant that is an out of date or an out of age plant

"So this is the problem there. Now if we can get to the solution of some of these and could the state find the money or the authority to produce the money for this, I think we might find a solution but it seems to be somewhat insoluble at the present moment

"How could we come up with the money to meet the need, Senator Mardesich?"

Senator Mardesich: "I know this might be a quick calculation, approximately eleven million dollars or twelve thousand jobs at a thousand dollars per job at seventy dollars a week unemployment compensation, thirteen weeks of unemployment is eleven million dollars so we will pay that much out of the unemployment compensation fund just to pay those people their unemployment compensation."

MOTION

On motion of Senator Atwood, Senate Bill No. 8 was ordered to hold its place on the second reading calendar for Wednesday, February 3, 1971.

SECOND READING

SENATE BILL NO. 47, by Senators Henry, Knoblauch and Huntley (by departmental request)

Providing for certain changes relating to motor vehicles.

REPORT OF STANDING COMMITTEE

SENATE BILL NO. 47, providing for certain changes relating to motor vehicles  
(reported by Committee on Highways):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 19, strike all of sections 2 and 3

In line 3 of the title, after "RCW 46 01.260" insert a period and strike the remainder of the title

Signed by Senators Washington, Chairman, Henry, Vice Chairman Bailey Donohue, Elicker, Foley, Huntley, Jolly, Mardesich, Matson, Murray, Sandison, Scott, Talley, Walgren.

The bill was read the second time by sections.

On motion of Senator Henry, the committee amendments were adopted

On motion of Senator Henry, the rules were suspended, Engrossed Senate Bill No. 47 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 47, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3

Voting yeas. Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Flemming, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46

Excused. Senators Foley, Gussberg, Lewis—3.

ENGROSSED SENATE BILL NO. 47, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Washington, Senate Bill No. 49 was ordered to hold its place on the second reading calendar for Wednesday, February 3, 1971.

SENATE BILL NO. 57, by Senators Holman, Wilson and Elicker

Providing for payment of certain costs and expenses for indigents.

The bill was read the second time by sections.

On motion of Senator Holman, the rules were suspended, Senate Bill No. 57 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 57, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Eucker, Fleming, Francis, Gardner, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Waigren, Washington, Whetzel, Wilson, Woodall—42

Voting nay: Senators Andersen, Guess, Talley, Twigg—4.

Excused: Senators Foley, Gissberg, Lewis—3

SENATE BILL NO. 57, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 63, by Senators Atwood, Dore and Gissberg:  
Providing for autopsy in all cases where decedent died in jail or prison

## REPORT OF STANDING COMMITTEE

January 20, 1971.

SENATE BILL NO. 63, providing for autopsy in all cases where decedent died in jail or prison (reported by Judiciary Committee)

MAJORITY recommendation. Do pass with the following amendments.

On page 1, section 2, line 20, after "post mortem" and before "and" insert "to determine cause of death"

On page 1, section 1, line 21, after "cases," and before "otherwise" strike "except only if" and insert "unless"

Signed by: Senators Gissberg, Chairman; Atwood, Clarke, Francis, Holman, Twigg, Waigren, Woodall

The bill was read the second time by sections.

On motion of Senator Dore, the committee amendments were adopted.

On motion of Senator Dore, the rules were suspended, Engrossed Senate Bill No. 63 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

Debate ensued

## POINT OF INQUIRY

Senator Wilson, "Would Senator Dore yield? Senator, does this bill have a fiscal impact on local government?"

Senator Dore: "If it did it would have an impact on county government, not the state. I assume the coroner in, at least in the larger counties, is available on a full-time basis so the cost would be the same. In the smaller counties I assume it would probably cost a few dollars more but I think it would be proper when people die under suspicious circumstances in jail I think we should determine who causes it. Whether custodial authorities are at fault. There is some slight financial impact in smaller counties."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 63, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Eucker, Fleming, Francis, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Talley, Twigg, Waigren, Washington, Whetzel, Woodall—43.

Voting nay: Senator Wilson—1

Absent or not voting: Senators Gardner, Stortini—2.

Excused: Senators Foley, Gissberg, Lewis—3

ENGROSSED SENATE BILL NO 63, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act

SENATE BILL NO 86, by Senators Walgren and Twigg (by Municipal Committee request):

Requiring city and town clerks to keep on file original material concerning annexed areas.

The bill was read the second time by sections.

On motion of Senator Mardesich, the following amendment was adopted.

On page 1, section 1, line 22, after "ord nance" and before "of" insert "or any amendment thereto".

On motion of Senator Walgren the rules were suspended, Engrossed Senate Bill No 86 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No 86, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Francis, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Talley, Twigg, Wagren, Washington, Whetzel, Wilson, Woodall 44

Absent or not voting: Senators Gardner, Stortini-2

Excused: Senators Foley, Gissberg, Lewis-3.

ENGROSSED SENATE BILL NO 86, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator McDougall, Senator Peterson (Ted) was excused

On motion of Senator Mardesich, Senate Bill No 97 was ordered to hold its place on the second reading calendar for Wednesday, February 3, 1971

On motion of Senator Metcalf, Senate Bill No 103 was ordered to hold its place on the second reading calendar for Thursday, February 4, 1971.

SENATE BILL NO 125, by Senators Odegaard, Lewis and Talley (by departmental request):

Providing changes in approval of persons for participation in work release programs

The bill was read the second time by sections.

On motion of Senator Odegaard, the rules were suspended, Senate Bill No. 125 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

Debate ensued

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No 125, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting 3; excused 4

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Durkan, Eucker, Fleming, Francis, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardench, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Talley, Twigg, Wagron, Washington, Whetzel, Wilson, Woodall-42.

Absent or not voting Senators Day, Gardner, Stortini 3.

Excused: Senators Foley, Gissberg, Lewis, Peterson (Ted)-4.

SENATE BILL NO. 125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

At 12:30 p.m. on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Wednesday, February 3, 1971.

JOHN A. CHERBERG, President of the Senate

SIDNEY R. SNYDER, Secretary of the Senate

## TWENTY-FOURTH DAY

### MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, February 3, 1971.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Foley. On motion of Senator Keefe, Senator Foley was excused.

The Color Guard, consisting of Pages Gary Kazda, Color Bearer, and Susan Bishop, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered prayer as follows:

"Our God and Father, we come to You in prayer at this time, not as a mere gesture to custom or convention, but to recognize once again that this world is Yours, and that we who live here belong to You, and that the way we live with one another and use the material benefits of this world, is of concern to You as well as to us. And so we pause to call upon You for wisdom and guidance for these Senators who have been selected by the people of this State, to determine orderly and just procedures in living together. May each decision be considered with all seriousness regarding Your will in these matters, and by determining what is best for all the people and not just a few. Bless each one with clear vision and dedicated purpose, through Christ we pray, Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

### REPORTS OF STANDING COMMITTEES

February 1, 1971.

SENATE BILL NO. 56, providing for certain changes relating to the Department of Civil Defense (reported by Committee on State Government)

MAJORITY recommendation: Do pass as amended  
Signed by: Senators Walgren, Chairman, Atwood, Day, Ellicker, Gardner, Jolly, Newschwander,  
Passed to Committee on Rules and Joint Rules for second reading

February 1, 1971.  
SENATE BILL NO. 79, providing for inclusion of court of appeals judges in judges' retirement system (reported by Committee on Public Pensions and Social Security):  
MAJORITY recommendation: Do pass as amended  
Signed by: Senators Fleming, Chairman, Day, Herr, Murray,  
Passed to Committee on Rules and Joint Rules for second reading.

February 2, 1971.  
SENATE BILL NO. 98, setting out guidelines for pupil conduct, discipline and rights in the common schools (reported by Committee on Education).  
MAJORITY recommendation: Do pass as amended  
Signed by: Senators Francis, Chairman, Fleming, Gardner, Metcalf, Murray, Ridder, Washington,  
Passed to Committee on Rules and Joint Rules for second reading

February 2, 1971.  
SENATE BILL NO. 104, implementing law relating to school holidays (reported by Committee on Education).  
MAJORITY recommendation: Do pass  
Signed by: Senators Francis, Chairman, Fleming, Gardner, McCutcheon, Murray, Ridder, Washington  
Passed to Committee on Rules and Joint Rules for second reading

February 2, 1971.  
SENATE BILL NO. 145, providing certain powers and duties to the secretary of the department of social and health services relating to veterans' affairs (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs):  
MAJORITY recommendation: Do pass.  
Signed by: Senators Wilson, Chairman; Canfield, Jolly, Murray, Scott, Whetzel.

#### MOTION

On motion of Senator Wilson, Senate Bill No. 145 was referred to the Committee on Ways and Means-- Appropriations.

February 2, 1971.  
SENATE BILL NO. 160, changing basis of weighing of votes for state board of education members (reported by Committee on Education):  
MAJORITY recommendation: Do pass  
Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard, Ridder, Washington.  
Passed to Committee on Rules and Joint Rules for second reading

February 1, 1971.  
SENATE BILL NO. 196, creating aid program for paroled, discharged prisoners and felons granted probation (reported by Committee on Public Institutions):  
MAJORITY recommendation: Do pass.  
Signed by: Senators Odegaard, Chairman; Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley,  
Passed to Committee on Rules and Joint Rules for second reading

February 3, 1971.  
SENATE BILL NO. 244, relating to district courts (reported by Judiciary Committee).  
MAJORITY recommendation: Do pass  
Signed by: Senators Gissberg, Chairman; Atwood, Clarke, Durkan, Francis, Holman, Twigg, Woodall.  
Passed to Committee on Rules and Joint Rules for second reading.

February 2, 1971.  
SENATE JOINT RESOLUTION NO. 14, amending the Constitution to authorize gubernatorial veto of entire sections and any appropriation item or items (reported by Committee on Constitution, Elections and Legislative Processes):  
MAJORITY recommendation: Do pass



Signed by: Senators McCutcheon, Chairman; Wilson, Vice Chairman, Canfield, Cooney, Donohue, Dore, Greive, Holman, Keefe, Mardesich, Matson, Metcalf, Washington, Woodall.  
Passed to Committee on Rules and Joint Rules for second reading.

February 2, 1971.

SENATE CONCURRENT RESOLUTION NO. 1, commending upon retirement, Donald C. Sampson (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass.  
Signed by: Senators McCutcheon, Chairman, Wilson, Vice Chairman, Canfield, Donohue, Dore, Holman, Keefe, Mardesich, Matson, Metcalf, Slender, Washington, Woodall.  
Passed to Committee on Rules and Joint Rules for second reading.

### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, February 2, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON  
GENTLEMEN,

I have the honor to submit the following appointment, subject to your confirmation: John B. Troup, appointed January 29, 1971 for a term ending July 1, 1971, succeeding E. Robert Fristoe as a member of the Higher Education Personnel Board

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Higher Education and Libraries

Office of the Governor, February 2, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN-

I have the honor to submit the following appointment, subject to your confirmation: Ronald E. Robinson, appointed January 26, 1971 for a term ending March 1, 1977, succeeding Thomas Meagher as a member of the Board of Trustees of Eastern Washington State College.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Higher Education and Libraries

Office of the Governor, February 2, 1971

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation: Robert H. Putman, appointed January 29, 1971 for a term ending January 4, 1977, succeeding himself as a member of the State Personnel Board.

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on State Government.

Office of the Governor, February 2, 1971

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation: Sanford Thal, appointed January 21, 1971 for a term ending January 21, 1975, succeeding himself as a member of the Washington State Pharmacy Board

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

Office of the Governor, February 2, 1971.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.  
GENTLEMEN

I have the honor to submit the following appointment, subject to your confirmation: Robert Earley, appointed January 15, 1971 for a term ending January 14, 1977, succeeding himself as a member of the Washington State Horse Racing Commission

Sincerely,  
DANIEL J. EVANS  
Governor

Referred to the Committee on Commerce and Regulatory Agencies.

# MESSAGES FROM THE HOUSE

February 2, 1971.  
Mr. President: The Speaker has signed SENATE BILL NO. 312, and the same is herewith transmitted MALCOLM McBEATH, Chief Clerk

February 2, 1971.  
Mr. President: The House has passed:  
HOUSE BILL NO. 41,  
ENGROSSED HOUSE BILL NO. 108,  
and the same are herewith transmitted, MALCOLM McBEATH, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 367, by Senators Atwood, Mardesich and Canfield

An Act relating to the use of state parks and other state owned recreation facilities; amending section 1, chapter 64, Laws of 1967 ex sess and RCW 43 30 300, amending section 43 51 040, chapter 8, Laws of 1965 as amended by section 1 chapter 90, Laws of 1967 ex sess and RCW 43 51 040, amending section 43 51 060, chapter 8, Laws of 1965 as amended by section 1, chapter 99, Laws of 1969 and RCW 43.51 060; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs

SENATE BILL NO. 368, by Senators Fleming, Ridder and Elicker (by Public Pension Commission request).

An Act relating to retirement plans, including old age annuities, for faculty members and other employees of state universities and state colleges, amending section 28B 10 400, chapter 223, Laws of 1969 ex sess and RCW 28B 10 400, amending section 28B 10 405, chapter 223, Laws of 1969 ex sess and RCW 28B 10 405, amending section 28B 10 410, chapter 223, Laws of 1969 ex sess and RCW 28B 10 410, amending section 28B 10 415, chapter 223, Laws of 1969 ex sess and RCW 28B 10 415, adding new sections to chapter 223, Laws of 1969 ex sess and to chapter 28B 10 RCW, repealing section 28B 10 450, chapter 223, Laws of 1969 ex sess, section 1, chapter 53, Laws of 1970 ex sess and RCW 28B 10 450, repealing section 28B 10 455, chapter 223, Laws of 1969 ex sess, section 2, chapter 53, Laws of 1970 ex sess and RCW 28B 10 455, repealing section 28B 10 460, chapter 223, Laws of 1969 ex sess, section 3, chapter 53, Laws of 1970 ex sess and RCW 28B 10 460; and repealing section 1, chapter 53, (HB 94), Laws of 1971 and RCW 28B 10 465

Referred to Committee on Public Pensions and Social Security

SENATE BILL NO. 369, by Senators Henry Washington and Huntley:

An Act relating to motor vehicle warning devices, and amending section 46 37 440, chapter 12, Laws of 1961 and RCW 46.37 440

Referred to Committee on Highways.

SENATE BILL NO. 370, by Senators Mardesich, Henry and Atwood

An Act relating to pari-mutue racing, amending section 1, chapter 55, Laws of 1933 as last amended by section 1, chapter 22, Laws of 1969 and RCW 67 16 010, amending section 2, chapter 55, Laws of 1933 as amended by section 1, chapter 233, Laws of 1969 ex sess and RCW 67 16 012, amending section 4, chapter 55, Laws of 1933 and RCW 67 16 020, amending section 6, chapter 55, Laws of 1933 and RCW 67 16 050, amending section 7, chapter 55, Laws of 1933 and RCW 67 16 060, amending section 9, chapter 55, Laws of 1933 as last amended by section 7, chapter 148, Laws of 1965 and RCW 67 16.100, amending section 3, chapter 233, Laws of 1969 ex sess and RCW 67 16 102, and adding a new section to chapter 67.16 RCW.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 371, by Senators Greive, Stortini, Connor, Stender, Peterson (Ted), Francis, Dore, Cooney, Ridder, Keefe, Mardesich, Bailey and Walgren

An Act relating to labor relations and practices, and enacting a "Washington State Labor Relations Act".

Referred to Committee on Labor and Industrial Insurance.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 371

SENATE BILL NO. 372, by Senators Ridder, Canfield and Stortini:

An Act relating to public lands; establishing a system of recreational and fire protection trails, creating a state trails commission, and creating new sections.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs

SENATE BILL NO. 373, by Senators Durkan, Mardesich and Stender:

An Act relating to bidding on certain public works, amending sections 2 and 3, chapter 348, Laws of 1955 and RCW 53.08.120 and 53.08.130, and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW

Referred to Committee on Higher Education and Libraries

SENATE BILL NO. 374, by Senators Durkan and Mardesich.

An Act relating to institutions of higher education, including community college districts, and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW

Referred to Committee on Labor and Industrial Insurance.

SENATE BILL NO. 375, by Senators Atwood, Francis and Gardner (by Governor's Commission for Youth Involvement request):

An Act relating to age qualifications for certain purposes, amending section 1, page 407, Laws of 1854 as last amended by section 1, chapter 17, Laws of 1970 ex. sess. and RCW 26.28.010; amending section 1, chapter 57, Laws of 1911 and RCW 2.36.070, amending section 6, chapter 127, Laws of 1893 and RCW 4.28.070; amending section 25, chapter 64, Laws of 1895 as amended by section 1, chapter 36, Laws of 1933 and RCW 6.12.290, amending section 2, chapter 57, Laws of 1897 and RCW 6.16.010, amending section 5, chapter 11, Laws of 1893 and RCW 7.28.090, amending section 13, chapter 264, Laws of 1969 ex. sess. as amended by section 11, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.130; amending section 2, chapter 74, Laws of 1891 and RCW 8.04.020, amending section 2, page 295, Laws of 1890 and RCW 8.20.020; amending section 11.76.080, chapter 145, Laws of 1965 as amended by section 4, chapter 70, Laws of 1969 and RCW 11.76.080, amending section 11.76.090, chapter 145, Laws of 1965 and RCW 11.76.090, amending section 11.76.095, chapter 145, Laws of 1965 and RCW 11.76.095, amending section 11.88.010 chapter 145, Laws of 1965 and RCW 11.88.010; amending section 11.88.020 chapter 145, Laws of 1965 and RCW 11.88.020, amending section 11.88.140, chapter 145, Laws of 1965 and RCW 11.88.140, amending section 11.92.010, chapter 145, Laws of 1965 and RCW 11.92.010 amending section 22, page 337, Laws of 1873 as last amended by section 1, chapter 181, Laws of 1925 ex. sess. and RCW 12.04.040, amending section 23, page 337, Laws of 1873 as last amended by section 3, chapter 19, Laws of 1903 and RCW 12.04.080; amending section 15.68.140, chapter 11, Laws of 1961 and RCW 15.68.140, amending section 17, chapter 100, Laws of 1969 ex. sess. and RCW 15.80.460; amending section 4, chapter 125, Laws of 1929 as amended by section 2, chapter 250, Laws of 1961 and RCW 17.04.070, amending section 4, chapter 205, Laws of 1959 and RCW 17.06.050, amending section 11, chapter 226, Laws of 1949 as amended by section 1, chapter 114, Laws of 1969 and RCW 18.04.120, amending section 5, chapter 123, Laws of 1959 and RCW 18.08.140, amending section 6, chapter 38, Laws of 1917 as last amended by section 2, chapter 149, Laws of 1955 and RCW 18.22.040, amending section 6, chapter 201, Laws of 1967 as amended by section 1, chapter 141, Laws of 1967 ex. sess. and RCW 18.28.060, amending section 28, chapter 16, Laws of 1923 as amended by section 1, chapter 47, Laws of 1969 and RCW 18.29.020; amending section 7, chapter 43, Laws of 1957 and RCW 18.34.070; amending section 2, chapter 52, Laws of

1955 as amended by section 2, chapter 107, Laws of 1965 ex sess and RCW 18 39 030, amending section 4 chapter 108, Laws of 1937 as last amended by section 3, chapter 107, Laws of 1965 ex sess and RCW 18 39 040, amending section 3 chapter 180 Laws of 1923 as last amended by section 7, chapter 38, Laws of 1963 and RCW 18 64 080, amending section 6, chapter 222, Laws of 1949 as amended by section 2, chapter 15 Laws of 1963 and RCW 18 78 060, amending section 3 chapter 305, Laws of 1955 as amended by section 3, chapter 70, Laws of 1965 and RCW 18 83 030, amending section 6, chapter 71 Laws of 1941 and RCW 18 92 070, amending section 233 chapter 249, Laws of 1909 and RCW 19 60 063, amending section 1, chapter 202, Laws of 1959 as amended by section 1, chapter 88, Laws of 1967 ex sess and RCW 21 24 010, amending section 4, chapter 202, Laws of 1959 as amended by section 4 chapter 88 Laws of 1967 ex sess and RCW 21 24 040, amending section 7, chapter 202, Laws of 1959 as amended by section 6, chapter 88, Laws of 1967 ex sess and RCW 21 24 070, amending section 8, chapter 88, Laws of 1967 ex sess and RCW 21 25 010, amending section 11, chapter 88, Laws of 1967 ex sess and RCW 21 25 040, amending section 14, chapter 88 Laws of 1967 ex sess and RCW 21 25 070 amending section 54, chapter 53, Laws of 1965 and RCW 23A 12 010, amending sections 1, 3 and 4, chapter 126, Laws of 1895 as last amended by section 1, chapter 17, Laws of 1919 and RCW 26 28 080 amending section 11, chapter 291, Laws of 1955 and RCW 26 32 110, amending section 36 59 310, chapter 4, Laws of 1963 and RCW 36 59 310, amending section 11, chapter 4, Laws of 1917 and RCW 37 16 080, amending section 19, chapter 130, Laws of 1943 and RCW 38 12 060 amending section 8, chapter 167, Laws of 1967 and RCW 46 20 01, amending section 6, chapter 121, Laws of 1965 ex sess and RCW 46 20 045 amending section 46 20 104, chapter 12 Laws of 1961 as last amended by section 3, chapter 167, Laws of 1967 and RCW 46 20 104, amending section 10, chapter 167, Laws of 1967 as amended by section 14, chapter 170, Laws of 1969 ex sess and RCW 46 20 293, amending section 47 32 020, chapter 13 Laws of 1961 and RCW 47 32 020, amending section 17 15 chapter 79 Laws of 1947 as last amended by section 19, chapter 150 Laws of 1967 and RCW 48 17 150, amending section 17 38, chapter 79, Laws of 1947 and RCW 48 17 380, amending section 87 chapter 250, Laws of 1907 and RCW 65 12 710, amending sections 72 23 070, 72 23 090 72 23 200 and 72 23 210, chapter 28, Laws of 1959 and RCW 72 23 070, 72 23 090, 72 23 200 and 72 23 210, amending section 186, chapter 255, Laws of 1927 as amended by section 39, chapter 257, Laws of 1959 and RCW 79 01 704, amending section 12, chapter 152, Laws of 1903 and RCW 79 48 130, amending section 11, chapter 117, Laws of 1895 and RCW 85 05 110, amending section 11, chapter 115, Laws of 1895 and RCW 85 06 110, amending section 1, chapter 18, Laws of 1935 and RCW 88 16 010, amending sections 13 and 14, chapter 8, Laws of 1909 ex sess as amended by section 13, chapter 11, Laws of 1911 and RCW 91 04 250, amending section 1, chapter 38, Laws of 1967 and RCW 66 12 110, amending section 7, chapter 62, Laws of 1933 ex sess as amended by section 1, chapter 111, Laws of 1959 and RCW 66 16 040, amending section 3, chapter 67, Laws of 1949 as amended by section 6, chapter 111, Laws of 1959 and RCW 66 20 180; amending section 6, chapter 67, Laws of 1949 as amended by section 9, chapter 111, Laws of 1959 and RCW 66 20 210, amending section 2, chapter 70, Laws of 1955 and RCW 66 44 270, amending section 3, chapter 70, Laws of 1955 and RCW 66 44 280, amending section 4, chapter 70, Laws of 1955 as amended by section 1, chapter 49, Laws of 1965 and RCW 66 44 290, amending section 1, chapter 78, Laws of 1941 and RCW 66 44 300, amending section 1, chapter 245, Laws of 1943 (which added a new section 36-A to chapter 62, Laws of 1933 ex sess) and RCW 66 44 310, amending section 1, chapter 38, Laws of 1969 ex sess and RCW 66 44 340, repealing section 1, chapter 250, Laws of 1969 ex sess and RCW 66 44 315, and providing penalties

Referred to Judiciary Committee.

SENATE BILL NO 376, by Senators Clarke, Gardner and Murray (by executive request)

An Act relating to highway advertising control, amending section 2, chapter 96, Laws of 1961 and RCW 47 42 020 amending section 3, chapter 96, Laws of 1961 and RCW 47 42 030, amending section 4, chapter 96 Laws of 1961 and RCW 47 42 040, amending section 6, chapter 96, Laws of 1961 and RCW 47 42 060, amending section 10, chapter 96,

Laws of 1961 as amended by section 55, chapter 3, Laws of 1963 ex. sess. and RCW 47.42.100; amending section 11, chapter 96, Laws of 1961 and RCW 47.42.110, amending section 12, chapter 96, Laws of 1961 and RCW 47.42.120, amending section 14, chapter 96, Laws of 1961 and RCW 47.42.140, and adding new sections to chapter 96, Laws of 1961, and to chapter 47.42 RCW, and declaring an emergency

Referred to Committee on Highways.

**SENATE BILL NO. 377**, by Senators Mardesich and Walgren:

An Act relating to state government, requiring filing of fee arrangements of special assistants to the attorney general; and adding new sections to chapter 8, Laws of 1965 and to chapter 43.10 RCW.

Referred to Committee on State Government.

**SENATE BILL NO. 378**, by Senator Mardesich

An Act relating to state parks and recreation, providing for the acquisition of certain land by the state parks and recreation commission, and adding a new section to chapter 43.51 RCW

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

**SENATE BILL NO. 379**, by Senators Mardesich, Elicker and Peterson (Ted)

An Act relating to insurance requiring the inclusion of psychological services under certain insurance contracts, adding a new section to chapter 79, Laws of 1947 and to chapter 48.20 RCW, and adding a new section to chapter 79, Laws of 1947 and to chapter 48.71 RCW, and providing for the application of such sections to such contracts

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

**SENATE BILL NO. 380**, by Senators Day, Woodall and Kreefe:

An Act relating to insurance, adding a new section to chapter 48.20 RCW, and adding a new section to chapter 48.21 RCW

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

**SENATE BILL NO. 381**, by Senators Day and Holman.

An Act relating to crimes and criminal procedure, amending section 1, chapter 48, Laws of 1970 ex. sess. and RCW 9A.080, amending section 69.33.410, chapter 27, Laws of 1959 as amended by section 20, chapter 38, Laws of 1963 and RCW 69.33.410; amending section 2, chapter 6, Laws of 1939 as last amended by section 10, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.070; amending section 12, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.075, adding new sections to chapter 69.33 RCW, adding new sections to chapter 69.40 RCW, defining crimes, and prescribing penalties

Referred to Judiciary Committee.

**SENATE BILL NO. 382**, by Senators Greive, Talley, Twigg, Mardesich and Clarke

An Act relating to real estate brokers and salesmen, amending section 2, chapter 252, Laws of 1941 as last amended by section 1, chapter 78, Laws of 1969 and RCW 18.85.010, amending section 5, part, chapter 252, Laws of 1941 as last amended by section 2, chapter 222, Laws of 1951 and RCW 18.85.030, amending section 4, chapter 252, Laws of 1941 as last amended by section 2, chapter 235, Laws of 1953 and RCW 18.85.040, amending section 5, part, chapter 252, Laws of 1941 as last amended by section 3, chapter 235, Laws of 1953 and RCW 18.85.050; amending section 8, chapter 252, Laws of 1941 and RCW 18.85.060, amending section 17, chapter 235, Laws of 1953 and RCW 18.85.071, amending section 18, chapter 235, Laws of 1953 and RCW 18.85.085; amending section 15, chapter 252, Laws of 1941 as last amended by section 5, chapter 235, Laws of 1953 and RCW 18.85.090, amending section 8, chapter 222, Laws of 1951 and RCW 18.85.100, amending section 3, chapter 252, Laws of 1941 as amended by section 9, chapter 222, Laws of 1951 and RCW 18.85.110, amending section 11, chapter 222, Laws of 1951 and RCW 18.85.130, amending section 12, chapter 222, Laws of 1951 as amended by section 7, chapter 235,

Laws of 1953 and RCW 18 85 140; amending section 13, chapter 222, Laws of 1951 as amended by section 8, chapter 235, Laws of 1953 and RCW 18 85 150, amending section 21, chapter 222, Laws of 1951 as amended by section 9, chapter 235, Laws of 1953 and RCW 18 85 161, amending section 10, chapter 252, Laws of 1941 as last amended by section 14, chapter 222, Laws of 1951 and RCW 18 85 170, amending section 42, chapter 52, Laws of 1957 and RCW 18 85 190, amending section 43, chapter 52, Laws of 1957 and RCW 18 85 200, amending section 27, chapter 252, Laws of 1941 as last amended by section 10, chapter 235, Laws of 1953 and RCW 18 85 210, amending section 19, chapter 252, Laws of 1941 as last amended by section 3, chapter 22, Laws of 1967 and RCW 18 85 230, amending section 25, chapter 222, Laws of 1951 and RCW 18 85 271, amending section 17, chapter 222, Laws of 1951 as amended by section 46, chapter 52, Laws of 1957 and RCW 18 85 290, adding new sections to chapter 252, Laws of 1941 and to chapter 18 85 RCW; adding a new section to chapter 18 95 RCW, and providing penalties.

Referred to Committee on Commerce and Regulatory Agencies.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 382.

SENATE BILL NO. 383, by Senators Helman, Guess and Day.

An Act relating to institutions of higher education, amending section 17, chapter 15, Laws of 1970 ex. sess. and RCW 28B 50 140, amending section 28B 10 300 chapter 223, Laws of 1969 ex. sess. and RCW 28B 10 300, amending section 28B 15 500 chapter 223, Laws of 1969 ex. sess. and RCW 28B 15 500, and amending section 28B 50 330, chapter 223, Laws of 1969 ex. sess. and RCW 28B 50.330.

Referred to Committee on Higher Education and Libraries.

HOUSE BILL NO. 41, by Representatives Wojahn, Kirk, Sawyer, Kiskaddon, Adams, Charnley, Gallagher, Kilbury, King, Marsh, Martins, McCormick, Van Dyk and Wolf.

Requiring that bacon be packaged so that the quality and degree of leanness may be ascertained.

Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 108, by Representatives Zimmerman, Randall, Brown and Brouillet (by Joint Committee on Education request).

Providing for filling of vacancies in, quorum for, school districts.

Referred to Committee on Education.

## SECOND READING

SENATE BILL NO. 8, by Senators Huntley, Day, Guess and Talley:

Providing for cemetery districts in all counties.

The bill was read the second time by sections.

On motion of Senator Atwood, the following amendment was adopted:

On page 2, line 12, add sections 3 and 4 as follows:

"Sec. 3. Section 7, chapter 53, Laws of 1961 and RCW 45.80.070 are each amended to read as follows:

When an election has resulted in an affirmative vote to disorganize the townships in a county, the chairman of the board of county commissioners shall take the following actions in the order indicated:

First, he shall pay all lawful demands against the townships, and then file a final account together with all vouchers, with the clerk of the superior court.

Second, if prior to the election a tax levy has been made by one or more of the townships, for collection the year following the election, and if a pro rata reduction has been caused in the levy of any junior taxing district in the county which would have been required had the township made no levy, the chairman shall order the county treasurer to collect the township levy and to disburse to the junior taxing district whose levy was reduced by proration the sum of money by which its levy was so reduced, if the township levy is not sufficient for such payments, any available funds to the credit of the township shall be so paid:

Third, the chairman shall pay any remaining township funds to the county treasurer to be deposited to the credit of the several taxing districts of the county (except the state and county) in the following allocations: Each such taxing district of the county shall receive a share that bears the same proportion to the total amount as its assessed valuation within the

township times its authorized levy last in process of collection (excepting excess levies) bears to the total assessed valuation of such taxing districts within the township times the total authorized levy (excepting excess levies) of such districts. Upon approval by the court of said final account the court shall sign proper orders dissolving said township.

*Fourth, he shall transfer all cemetery properties, facilities, and funds, real and personal, together with all funds designated or intended for endowment care, perpetual care, or similar purposes to the cemetery authority succeeding to the operation and maintenance of such cemetery. All gifts and donations shall be applied strictly according to the requirements stipulated by the donor. Where donor has not otherwise specified, such funds shall be presumed to be endowment care funds within the meaning of chapter 68.44 RCW, and are to be devoted exclusively to the care, improvement, or embellishment of the cemetery or such other purposes authorized by RCW 68.40.060.*

Sec 4. Sect on 8, chapter 53, Laws of 1961 and RCW 45.80.080 are each amended to read as follows:

*Cemetery real property, buildings, and the furnishings and equipment used in connection with the operation of a cemetery shall pass to the cemetery authority succeeding to the control, management, and operation of the cemetery. All other real property, buildings, and the furnishings and equipment used in connection with buildings owned by the township shall pass to the county in fee upon the effective date of the order of disorganization. Such property, as all other county property, shall be managed and controlled by the board of county commissioners. PROVIDED, That the board shall for at least five years maintain and operate township meeting halls for community and public use."*

On motion of Senator Atwood, the following amendment to the title was adopted:

On page 1, line 3 of the title, after "010;" strike "and" and on line 5, after "130 and before the period" insert "; amending section 7, chapter 53, Laws of 1961 and RCW 45.80.070, and amending section 8, chapter 53, Laws of 1961 and RCW 45.80.080"

On motion of Senator Huntley, the rules were suspended, Engrossed Senate Bill No. 8 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

#### POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Huntley yield? Senator, over at Moses Lake there is a cemetery up on the hill. We went up there and tried to find a grave marker. Does this bill mean that these cemeteries will be taken better care of so that we can identify graves? Or does that have anything to do with these small cemeteries?"

Senator Huntley: "The purpose is to provide funds to take care of these small cemeteries. Some of them have plots that have been there since along in the 1860's. No families are left that they know of to help finance the upkeep and the care and this is the purpose of the bill."

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, will Senator Huntley yield? This act just extends to other counties and in no way forces cemetery districts unless voted on by the people and the county commissioners?"

Senator Huntley: "That is correct. It is permissive legislation to allow the people in any county to draw out the borders of a proposed district, go to the county commissioners and ask them to put it on the ballot for a vote. This is merely permissive, has no force whatsoever."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 8, and the bill passed the Senate by the following vote: Yeas, 46, absent or not voting, 2, excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Eucker, Fleming, Francis, Gardner, Gissberg, Greave, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesch, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowe), Peterson (Ted), Ridder, Sandison, Scott, Stender, Storani, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—46

Absent or not voting: Senators Durkan, Woodall—2

Excused: Senator Foley—1

ENGROSSED SENATE BILL NO. 8, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Washington, Senate Bill No. 49 was ordered to hold its place on the second reading calendar for Thursday, February 4, 1971.

SENATE BILL NO. 97, by Senators Whetzel, Walgren and Cooney (by Legislative Council request):

Increasing bonding requirements of elected county officials.

The bill was read the second time by sections.

On motion of Senator Mardesich, the following amendment was adopted:

On page 3, section 1, after line 8, insert a new paragraph as follows:

*"Bonds for other than elective officials, if deemed necessary by the proper county legislative authority, shall be in such amount and form as such legislative authority shall determine."*

On motion of Senator Whetzel, the rules were suspended, Engrossed Senate Bill No. 97 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 97, and the bill passed the Senate by the following vote: Yeas, 48; Excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gussberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Tailey, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Foley—1.

ENGROSSED SENATE BILL NO. 97, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 143, by Senators Guess, Washington and Donohue (by departmental request):

Providing for the sale of highway contract plans.

#### REPORT OF STANDING COMMITTEE

January 27, 1971.

SENATE BILL NO. 143, providing for the sale of highway contract plans (reported by Committee on Highways):

MAJORITY recommendation: Do pass with the following amendment.

On page 1, section 1, line 18, after "deliver" insert "with or"

Signed by Senators Washington, Chairman, Henry, Vice Chairman, Donohue, Elicker, Guess, Huntley, Jolly, Knoblauch, McDougall, Mardesich, Matson, Scott, Stender, Walgren, Whetzel.

The bill was read the second time by sections.

On motion of Senator Guess, the committee amendment was adopted.

On motion of Senator Guess, the rules were suspended, Engrossed Senate Bill No. 143 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.



## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 143, and the bill passed the Senate by the following vote: Yeas 47, absent or not voting 1, excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Absent or not voting: Senator Sandison—1.

Excused: Senator Foley—1.

ENGROSSED SENATE BILL NO. 143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 157, by Senators Talley, Knoblauch and Whetzel (by departmental request)

Providing certain changes in the law relating to the mentally ill.

## REPORT OF STANDING COMMITTEE

January 26, 1971.

SENATE BILL NO. 157, providing certain changes in the law relating to the mentally ill (reported by Committee on Public Institutions).

Recommendation: Do pass with the following amendments.

On page 1, section 1, beginning on line 13, after "detention" strike "[,] and observation [, and treatment]" and insert ", observation, and treatment" and on line 17, after "examination" and before "of such" strike "[and treatment]" and insert "and treatment" and on line 20, before "period" strike "[and treatment]" and insert "and treatment."

On page 2, section 1, beginning on line 1, after "detention" strike "[,] and observation [, and treatment]" and insert ", observation, and treatment."

Signed by Senators Odegaard, Chairman, Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

The bill was read the second time by sections.

On motion of Senator Talley, the committee amendment to page 1, section 1 was adopted.

Senator Talley moved adoption of the committee amendment to page 2, section 1.

Debate ensued.

## POINT OF INQUIRY

Senator Ridder: "I would like to ask Senator Talley if he will yield? I notice the inclusion of the word 'treatment' here expands our ideas about the care of mental patients and of team treatment programs. Now does this in any way serve as the opening wedge to such a treatment program and the eventual closing of these institutions?"

Senator Talley: "Senator Ridder, I do not think so. That was not an intent of the legislative council bill when they had hearings on it."

"If the patient has an excess of funds, they can be used in the treatment and care. We saw cases where the individual was drawing social security and the department could not take it and it should have been used for the patient's care. These funds could have been recovered but it was not the intention of making relative responsibility."

Senator Ridder: "I am again wondering about the re-inclusion of the word 'treatment' here. Would this do anything about the way mental patients are now cared for in the local county institution or hospital and then sent on?"

Senator Talley: "I do not think so, Senator Ridder. It is not the intent, as I said before. If you would like to have it held and do a little more studying on it and investigation, I have no objections."

## MOTION

On motion of Senator Talley, Engrossed Senate Bill No. 157 was ordered read on the second reading calendar for Thursday, February 4, 1971.

SENATE CONCURRENT RESOLUTION NO. 3, by Senators Mardesich, Atwood and Foley (by Legislative Budget Committee request):

Authorizing a study of community college funds

The resolution was read the second time in full

On motion of Senator Mardesich, the rules were suspended, Senate Concurrent Resolution No. 3 advanced to third reading, the second reading considered the third.

Debate ensued.

#### MOTION

On motion of Senator Atwood, Senate Concurrent Resolution No. 3 was ordered held on the third reading calendar for Thursday, February 4, 1971.

SENATE BILL NO. 73, by Senators Greive, Fwigg, Woodall and Cooney (by Legislative Council request)

Precluding as evidence statements made by any party to a personal injury action unless copies of such statement be made available to him within ten days after request

#### REPORT OF STANDING COMMITTEE

January 27, 1971.

SENATE BILL NO. 73, precluding as evidence statements made by any party to a personal injury action unless copies of such statement be made available to him within ten days after request (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On line 5, after "any" and before "action" insert "civil"

On line 5, after "action" strike all of the material down to and including "therefrom" on line 6

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman, Atwood, Francis, Holman, Fwigg, Walgren, Woodall.

The bill was read the second time by sections.

On motion of Senator Greive, the rules were suspended, Engrossed Senate Bill No. 73 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

Debate ensued

#### POINT OF INQUIRY

Senator Stender: "Would Senator Woodall yield to a question? Senator, I just wonder how far this goes in relation to law enforcement officers that are interested in a possible accident on the public streets? Where do they start and stop in getting evidence so far as the particular accident, if it were on the road?"

Senator Woodall: "The amendment that was put on specifically says 'in any civil action' This is between two people. The officer's investigation would be criminal in nature and this bill would not apply to him."

Senator Stender: "I understand that part of it, Senator Woodall, but I also know that if there was a highway accident that there would be a record made by the police investigating it relevant to what did actually happen. Now that evidence, as far as the police are concerned, is that public evidence?"

Senator Woodall: "Yes, the work of the officer would be equally available, you see, and would not be the exclusive property of the other party. This only gets at matters which is not equally available to both so this bill does not affect him."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 73, and the bill passed the Senate by the following vote. Yeas, 39; nays, 8, absent or not voting, 1; excused, 1

Voting yea: Senators Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Odagaard, Peterson (Lowell), Peterson

(Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington Whetzel, Wilson, Woodall - 39

Voting nay: Senators Andersen, Atwood, Clarke, Elicker, McDougall, Metcalf, Murray, Newschwander - 8

Absent or not voting: Senator Henry - 1.

Excused: Senator Foley - 1.

ENGROSSED SENATE BILL NO. 73, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator McDougall, Senator Huntley was excused.

SENATE BILL NO. 62, by Senators Francis, Walgren and Gissberg:

Providing that a personal representative may recover damages for decedent's pain and suffering.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, Senate Bill No. 62 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

#### POINT OF INQUIRY

Senator Guess: "Mr. President, would Senator Francis yield? Senator Francis, you made a statement that you did not work on the bill but you became the principal sponsor for it. Would you tell us who you introduced it for?"

Senator Francis: "Yes, this was brought to us by the Washington State Bar Association. I do not know if that will help or hurt the bill but that is who prepared the bill."

Senator Guess: "It does clarify it though. Thank you very much."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 62, and the bill passed the Senate by the following vote: Yeas, 30; nays, 16; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Gissberg, Greive, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McClutcheon, Malson, Odegard, Peterson (Lowell), Ridder, Scott, Stortini, Twigg, Walgren, Washington, Woodall - 30.

Voting nay: Senators Andersen, Canfield, Clarke, Elicker, Guess, McDougall, Mardesich, Metcalf, Murray, Newschwander, Peterson (Ted), Sandison, Stender, Talley, Whetzel, Wilson - 16.

Absent or not voting: Senator Henry - 1.

Excused: Senators Foley, Huntley - 2.

SENATE BILL NO. 62, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Peterson (Lowell), the Committee on Natural Resources, Fisheries and Game was relieved of further consideration of Senate Bill No. 311.

On motion of Senator Peterson (Lowell), Senate Bill No. 311 was referred to the Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

On motion of Senator Peterson (Lowel), the Committee on Natural Resources, Fisheries and Game was given permission to use the Senate Chamber at 2.00 p.m., today for a hearing to consider Senate Bill No. 174 should it be necessary to accommodate those in attendance.

At 12:40 p.m. on motion of Senator Greive, the Senate adjourned until 11.00 a.m., Thursday, February 4, 1971

JOHN A. CHERBERG, President of the Senate  
SIDNEY R. SNYDER, Secretary of the Senate.

## TWENTY-FIFTH DAY

### MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, February 4, 1971

The Senate was called to order at 11.00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Foley. On motion of Senator Keefe, Senator Foley was excused.

The Color Guard, consisting of Pages Bill Day, Color Bearer, and Suzie Curtis presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered prayer as follows:

"Eternal God, Creator of Life and the source of all wisdom, as we come to You at this hour we freely admit that we are not all-wise and all knowing. And yet it has become the task of these Senators gathered here to choose the directions which the people in this state will take in meeting the problems which we face. Each of them recognize the difficulty of making these decisions in the absence of complete understanding of their long-range effects, but problems demand solution, and alternatives demand choosing. And so we ask Your special grace for each of them this day give to each the insight and understanding which they know they lack. And thereby help them to make the decisions of this day with courage, and with the assurance of Your forgiveness where we go wrong in spite of our best efforts. In Christ's name we pray. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

### REPORTS OF STANDING COMMITTEES

SENATE BILL NO. 177, providing for city indebtedness for open space, park recreation, and community facilities (reported by Committee on Cities, Towns and Counties).

MAJORITY recommendation: Do pass.

Signed by Senators Connor, Chairman, Stortum, Vice Chairman, Canfield, Clarke, Dore, McDougall, Peterson (Ted), Ridder, Talley, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

February 3, 1971.

February 1, 1971.

SENATE BILL NO. 179, providing for recovery by the department of social and health services of assistance furnished to an injured public assistance recipient (reported by Committee on Public Institutions):

MAJORITY recommendation: That the bill be referred to Judiciary Committee.

Signed by Senators Odegaard, Chairman, Clarke, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg

### MOTION

On motion of Senator Odegaard, Senate Bill No. 179 was referred to the Judiciary Committee.

February 3, 1971.

SENATE BILL NO. 219, providing authority for first class cities to exchange property for park purposes (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by Senators Connor, Chairman; Stortini, Vice Chairman, Canfield, Clarke, Dore, Mardesich, McDougall, Peterson (Ted), Ridder, Talley, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

### MESSAGE FROM THE HOUSE

February 3, 1971.

Mr. President: The House has passed  
HOUSE BILL NO. 10,  
ENGROSSED HOUSE BILL NO. 11,  
ENGROSSED HOUSE BILL NO. 40,  
ENGROSSED HOUSE BILL NO. 87,  
ENGROSSED HOUSE BILL NO. 71,  
HOUSE BILL NO. 109,  
HOUSE BILL NO. 126,  
HOUSE BILL NO. 143,  
HOUSE BILL NO. 171,  
HOUSE BILL NO. 172,  
ENGROSSED HOUSE BILL NO. 234,  
HOUSE BILL NO. 245,  
ENGROSSED HOUSE BILL NO. 262,  
and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 384, by Senators Woodall and Twigg (by Legislative Council request):

An Act relating to crimes; enacting the Washington Criminal Code; creating new sections, repealing certain acts and parts of acts, prescribing penalties; and prescribing an effective date

Referred to Judiciary Committee.

SENATE BILL NO. 385, by Senators Day and Scott:

An Act relating to the practice of massage; creating a state massage examining board; providing for regulation and licensing of persons practicing massage, describing crimes, adding a new chapter to Title 18 RCW; and prescribing penalties

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO. 386, by Senators Day, Dore and Canfield

An Act relating to the department of social and health services, making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means Appropriations.

SENATE BILL NO. 387, by Senators Gardner, Mardesich and Andersen (by executive request):

An Act relating to crimes and punishment; amending section 3, chapter 227, Laws of

1957 as amended by section 15, chapter 134, Laws of 1967 and RCW 9 95.200, and prescribing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 388, by Senator Atwood:

An Act relating to counties; and adding a new chapter to Title 36 RCW

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 389, by Senators Day, Woodall and Fleming

An Act relating to health care service contractors; public freedom of choice of doctors, adding new sections to chapter 48 44 RCW, repealing section 1, chapter 143, Laws of 1969 and RCW 48 44.025; and prescribing penalties.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO. 390, by Senators Gissberg and Holman:

An Act relating to courts, and amending section 4, chapter 221, Laws of 1969 ex. sess. and RCW 2 06.040

Referred to Judiciary Committee

SENATE BILL NO. 391, by Senators Gissberg and Lewis.

An Act relating to boundaries and plats; and creating new sections

Referred to Judiciary Committee.

SENATE BILL NO. 392, by Senators Gissberg and Metcalf

An Act relating to intergovernmental disposition of property; and amending section 1, chapter 133, Laws of 1953 and RCW 39 33.010

Referred to Judiciary Committee

SENATE BILL NO. 393, by Senators Durkan, Dore, Mardesich, Herr and Peterson (Ted)

An Act relating to materialmen's liens and amending section 4, chapter 24, Laws of 1893 as amended by section 4, chapter 279, Laws of 1959 and RCW 60.04 050.

Referred to Judiciary Committee

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 393

SENATE BILL NO. 394, by Senators Durkan, Peterson (Lowell), Canfield, Woodall and Ridder:

An Act relating to state government, and establishing the Washington commission on Mexican-American affairs.

Referred to Committee on State Government

#### MOTION

On motion of Senator Durkan, the rules were suspended and additional sponsors were added to Senate Bill No. 394

SENATE BILL NO. 395, by Senator Holman, Knoblauch and Metcalf (by Secretary of State request):

An Act relating to political parties, adding new sections to chapter 9, Laws of 1965 and to chapter 29.42 RCW; and providing penalties.

Referred to Committee on Constitution, Elections and Legislative Processes

SENATE BILL NO. 396, by Senators Odegaard, Metcalf and Henry:

An Act relating to education and insurance or protection programs for certain college and university regents, trustees, school district board members, students and employees, and

their dependents, amending section 28A 58.420, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter --, Laws of 1971 (HB No --) and RCW 28A.58.420, and amending section 28B 10 660, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 237, Laws of 1969 ex. sess. and RCW 28B 10 660

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO. 397, by Senators Peterson (Ted), Day and Stortini

An Act relating to plumbers, providing for the certification thereof; creating a new chapter in Title 18 RCW, and providing penalties

#### MOTION

Senator Peterson (Ted) moved that Senate Bill No. 397 be referred to the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

Debate ensued

#### POINT OF INQUIRY

Senator Atwood: "Would Senator Peterson (Ted) yield to a question? What does medicine and Dentistry have to do with licensing of plumbers?"

Senator Peterson (Ted): "The full committee has to do with health care and welfare of the people of the state of Washington and plumbing comes under that care and health."

Senator Atwood: "Senator Peterson, one further question, is this a state-wide licensing program for plumbers?"

Senator Peterson (Ted): "That is exactly what it is, setting that up as we have on all other industries and professions throughout the state, yes. Setting up the committee having the apprenticeship program."

Further debate ensued

#### POINT OF INQUIRY

Senator Peterson (Ted): "Mr. President, would Senator Mardesich yield to a question? Senator, I have to really level and get firm with you on this. We have tried before to pass the legislation through. It is absolutely necessary and I have to ask you right out in the open why you continually oppose this when this has to do with health and as you heard what our good Senator Woodall said, we would like to have this bill out in the open, have a hearing on it and let the people of the state of Washington know that we are concerned about their health and welfare, and plumbing comes under that. It has nothing to do with commerce and regulatory agencies as such."

"Would you give me a comprehensive answer as to why you continue to oppose this and why we cannot put it in the proper committee?"

Senator Mardesich: "Mr. President, I do not know that I have opposed this at all, let alone continuously. Assuming it comes to my committee, Senator Peterson now is in charge of a subcommittee to hold that hearing and I will name the other members at our next regular meeting. I would assume that some of the objections that were raised to this bill at the last session would be cleared up and that it will come back in some amended form. That is all I have to say on the subject."

Senator Peterson (Ted) demanded a roll call and the demand was sustained by Senators Metcalf, Lewis, Connor, Guess, Stortini, Francis, Elucker, Washington and Scott.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Peterson (Ted) failed by the following vote: Yeas, 11; nays, 36; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Connor, Dore, Elucker, Fleming, Francis, Greive, Peterson (Ted), Stortini, Washington, Whetzel—11

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Cooney, Day, Donohue, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Talley, Twigg, Walgren, Wilson, Woodall—36

Absent or not voting: Senator Durkan—1.

Excused: Senator Foley - 1.

Senate Bill No. 397 was referred to the Committee on Commerce and Regulatory Agencies

SENATE BILL NO. 398, by Senator Fleming

An Act relating to public contract, adding a new section to chapter 167, Laws of 1969 ex. sess. and to chapter 49 60 RCW, and creating new sections.

#### MOTION

Senator Stortini moved that Senate Bill No. 398 be referred to the Committee on Labor and Social Security.

Debate ensued.

Senator Fleming demanded a roll call and the demand was sustained by Senators Connor, Metcalf, Greive, Knoblauch, McCutcheon, Ridder, Scott, Walgren and Stortini

#### ROLL CALL

The Secretary called the roll and the motion by Senator Stortini failed by the following vote: Yeas, 14; nays, 30; absent or not voting, 4; excused, 1.

Voting yea. Senators Bailey, Connor, Dore, Elcker, Fleming, Gardner, McDougall, Peterson (Ted), Ridder, Scott, Stortini, Washington, Whetzel, Wilson - 14.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Cooney, Day, Donohue, Gissberg, Greive, Guess, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesch, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Sandison, Stender, Talley, Twigg, Walgren, Woodall - 30

Absent or not voting. Senators Durkan, Francis, Henry, Huntley - 4

Excused: Senator Foley - 1.

Senate Bill No. 398 was referred to the Committee on State Government.

#### POINT OF INQUIRY

Senator Fleming: "Mr. President, would Senator Walgren yield? I know that you have a fine committee and you give all of your bills due consideration, I would like to know if you will give this bill due consideration or will it go by the same fate it went last time?"

Senator Walgren: "Senator Fleming, I can not say what the fate of the bill is going to be, I can tell you, however, that the bill will be given full consideration and just as soon as possible. As you know, we have a number of bills in my committee. I hope to have a hearing on just about all of them and this one will be treated in the same manner as the other bills."

Senator Fleming: "Would you object to the bill being re-referred to the Committee on Labor and Social Security when your committee gets through with it?"

Senator Walgren: "I think that we are going to have to look at that matter when the time comes."

SENATE BILL NO. 399, by Senators Mardesch and Clarke

An Act relating to banks and trust companies, pertaining to the establishment of branches; and amending section 30 40 020, chapter 33, Laws of 1955 as amended by section 6, chapter 136, Laws of 1969 and RCW 30 40 020

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO. 400, by Senators Holman, Washington, McDougall, Gardner, Francis, Mardesch, Murray, Dore, Lewis, Connor, Gissberg, Fleming, Herr, Whetzel, Elcker, Peterson (Lowell), Knoblauch, Peterson (Ted), Ridder, Walgren, Stortini, Bailey, Henry, Donohue and Jolly

An Act relating to voting, creating new sections, prescribing penalties, and declaring an emergency

Referred to Committee on Constitution, Elections and Legislative Processes

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 400.



SENATE BILL NO 401, by Senators Henry, Washington, Talley and Peterson (Ted)

An Act relating to motor vehicles, authorizing the operation of vehicles of certain sizes, amending section 46.44.220, chapter 12, Laws of 1961 as amended by section 1, chapter 43, Laws of 1965 and RCW 46.44.020, and amending section 46.44.030, chapter 12, Laws of 1961 as last amended by section 61, chapter 145, Laws of 1967 ex. sess. and RCW 46.44.030.

Referred to Committee on Highways.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 401.

SENATE JOINT RESOLUTION NO 23, by Senators Lewis, Atwood and Gusberg (by executive request):

Authorizing the governor to make organizational changes in the executive branch.

Referred to Committee on Constitution, Elections and Legislative Processes.

SENATE CONCURRENT RESOLUTION NO 5, by Senators Atwood, Dore and Canfield

Providing for review of community college program costs.

Referred to Committee on Higher Education and Libraries.

HOUSE BILL NO. 10, by Representatives Brouillet, Bauer, and Luders.

Recognizing certain items as evidence of educational competence for public employment.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 11, by Representatives Haussler, Bozarth, Ceccarelli, Hurley, Martins and Marzano

Establishing laws relating to the use, sale, control and possession of dangerous drugs.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO 40, by Representatives Newhouse, Moon, Berentson and Litchman (by Legislative Council request).

Removing mandatory directive to sell first class tide and shore lands and giving abutting owner preference to lease as well as buy.

Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO 67, by Representatives Bottiger, Harris and Maxie (by Legislative Council request):

Regulating installment sales contracts.

Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO 71 by Representatives Bledsoe, Kiskaddon and Moon (by Legislative Council request)

Extending medical aid coverage to state volunteer workers.

Referred to Committee on Labor and Industrial Insurance.

HOUSE BILL NO 109, by Representatives Zimmerman, Brown, Randall and Brouillet (by Joint Committee on Education request):

Authorizing state board of education to establish regulations governing school district numbering.

Referred to Committee on Education.

HOUSE BILL NO 126, by Representatives Shera, McCormick, Conway and Litchman (by Public Pension Commission request):

Providing for inclusion of court of appeals judges in judges' retirement system.

Referred to Committee on Public Pensions and Social Security.

HOUSE BILL NO. 143, by Representatives Bottiger, Jullin and Harris.

Providing that professional service corporations with one shareholder need have only one officer and director  
Referred to Judiciary Committee

HOUSE BILL NO. 171, by Representatives Zimmerman, Flanagan and Martins:  
Defining "wildlife agent"  
Referred to Committee on Natural Resources, Fisheries and Game

HOUSE BILL NO. 172, by Representatives Flanagan, Kiskaddon and Haussler (by departmental request):  
Restoring tax statutes based on passage of HJR 42 to previous status.  
Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 234, by Representatives Bottiger, Julin and Hubbard:  
Providing criminal penalties for removing from the state property subject to a security agreement.  
Referred to Judiciary Committee.

HOUSE BILL NO. 245, by Representatives Bottiger, North, Smyth, Chamlay and Mentor (by Secretary of State request):  
Permitting election candidate's name twice on ballots if one position be that for precinct committeeman  
Referred to Committee on Constitution, Elections and Legislative Processes

ENGROSSED HOUSE BILL NO. 262, by Representatives Julin, Marsh and Harris:  
Providing that bonds in civil cases shall not be required of banks and savings and loan associations.  
Referred to Judiciary Committee.

### MOTIONS

On motion of Senator Gissberg, the Judiciary Committee was relieved of further consideration of Senate Bill No. 276  
On motion of Senator Gissberg, Senate Bill No. 276 was referred to the Committee on Commerce and Regulatory Agencies.  
Senator Grieve moved adoption of the following resolution.

### SENATE RESOLUTION: 1971-10

By Committee on Rules and Joint Rules:  
Be it resolved that the temporary rules of the senate be adopted as the permanent rules of the senate with the following amendments:

### RULE 2

On page 274 of the 1969 Legislative Manual strike everything after line 2 and insert the following

The following standing committees shall constitute the standing committees of the senate

1. Agriculture and Horticulture . . . . .	9
2. Cities, Towns and Counties . . . . .	16
3. Commerce and Regulatory Agencies . . . . .	20
4. Constitution, Elections and Legislative Processes . . . . .	15
Committee on Redistricting . . . . .	15
5. Education . . . . .	12
6. Higher Education and Libraries . . . . .	15
7. Highways . . . . .	26
8. Judiciary . . . . .	13
9. Labor and Industrial Insurance . . . . .	7
10. Manufacturing and Industrial Development . . . . .	7

11. Medicine, Dentistry and Health Care, Air and Water Pollution . . . . .	11
12. Natural Resources, Fisheries and Game . . . . .	10
13. Parks, Tourism, Capitol Grounds and Veterans' Affairs . . . . .	11
14. Public Institutions . . . . .	9
15. Public Pensions and Social Security . . . . .	7
16. Rules and Joint Rules . . . . .	16
17. State Government . . . . .	11
18. Ways and Means . . . . .	36
Committee on Appropriations . . . . .	22
Committee on Revenue and Taxation . . . . .	16
Committee on Claims and Auditing . . . . .	7

#### RULE 4

On page 276 of the 1969 Legislative Manual amend the second paragraph of Rule 4 to read as follows:

The secretary of the senate, prior to the convening of the next session, shall prepare his office to receive bills which the members and members-elect may desire to prefile [after the fifteenth day of November] *commencing with the first Monday in December* preceding any session year; or [ten] *twenty* days prior to any extraordinary session of the legislature. He shall have printed copies prepared and distributed to the members and members-elect and such other individuals and organizations requesting them. *PROVIDED, HOWEVER, That no bill, memorial or resolution shall be filed by title and/or preamble only.*

#### RULE 27

On page 281 of the 1969 Legislative Manual add a new paragraph to Rule 27 to read as follows:

Any and all copies or reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution. *PROVIDED, HOWEVER, That this shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.*

#### RULE 51

On page 288 of the 1969 Legislative Manual amend Rule 51 to read as follows:

Rule 51 The rules of the senate shall apply to proceedings in committee of the whole, except that the previous question or the motion to lay on the table shall not be ordered [nor the yeas and nays demanded], but the committee may limit the number of times that any member may speak at any stage of the proceedings during the sitting.

#### RULE 58

On page 290 of the 1969 Legislative Manual amend the third paragraph of Rule 58 to read as follows:

Members and members-elect to the senate may pre-file bills with the secretary of the senate on any day [after the fifteenth day of November] *commencing with the first Monday in December* preceding any session year; or [ten] *twenty* days prior to any extraordinary session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day. *PROVIDED, HOWEVER, That no bill, memorial or resolution shall be filed by title and/or preamble only.*

#### RULE 61

On page 291 of the 1969 Legislative Manual amend the first paragraph to read as follows:

Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. *PROVIDED, HOWEVER, That after the forty ninth day of every regular session [and after the twentieth day of this extraordinary session] this rule may be suspended by a majority vote.*

#### POINT OF INQUIRY

Senator Atwood: "Mr. President, would Senator Greive yield? You did not discuss Rule 2 and I assume that there are two changes. It is my understanding in Rule 2 to reflect an increase in membership on the Committee on Higher Education and Libraries from what the temporary rules of our body now are and also I believe that the Committee on Commerce and Regulatory Agencies has one additional member allowed which has not been named. Is this correct?"

Senator Greive: "That is correct. Really, I thought that was so firmly agreed I just skipped over that one."

Senator Washington moved adoption of the following amendment to Senate Resolution No. 10

On page 1, Rule 2, item 7, strike "Highways" and insert "Transportation"

#### POINT OF INQUIRY

Senator Greive: "Would Senator Washington yield? Senator, would you object if we simply go into these rules proposed by the Committee on Rules and Joint Rules. If we get these out of the way so we will not get all confused then we could take floor amendments. It is going to be quite confusing as to how we vote and I am sure you would like to have a clean cut decision on your amendments and I am sure everybody else would."

"It would seem to me orderly procedure if we take each amendment without having one person amend his amendment to another amendment. I realize that is better parliamentary procedure but don't you think it would be a little easier if everybody knew what they were voting on in each instance?"

Senator Washington: "In answer, Senator Greive, this is the first of the noncontroversial amendments that I have and I think this one is truly noncontroversial. It merely suggests the change from 'Highways' to 'Transportation' as the proper designation of the committee. I think this would be proper at this time."

#### PRESIDENT'S REMARKS

The President: "If the Senate approves, the Senate will consider each rule and then if there are amendments proposed to each rule, the Senate will consider them simultaneously with the Rule."

Debate ensued.

#### POINT OF INQUIRY

Senator Gissberg: "Will Senator Washington yield? Senator, you say that it would not necessarily expand the scope of the bills that would be referred to you. I have in mind, for instance, a bill that would affect the utilities and transportation commission, with respect to the regulation of their rate-making authority on trucks. Would you consider such a bill then henceforth relating to transportation which would be a bill that would go to your committee?"

Senator Washington: "Not necessarily. Up to now we have not had those types of bills. I think it relates more to business than to the operation of the transportation system. We are more concerned with the operation of the transportation system, the revenue that comes to it. Not in the general operation of motor vehicles or trucks, whether or not they should be granted a franchise and matters such as that. That has never been in the highway committee and it is not my anticipation that I would ask for those bills to come to the transportation committee."

Senator Gissberg: "In other words, the matters that have traditionally gone to Senator Mardesich's committee, would not be diminished nor the scope of the bills that have traditionally gone to your committee would not be enlarged?"

Senator Washington: "I would not feel that it would, except I do believe that any bill on the department of transportation should go to the transportation committee."

Senator Gissberg: "I trust that the President of the Senate heard the discussion and the Secretary of the Senate who assists the President in referring the bills has heard the content of this discussion."

#### POINT OF INQUIRY

Senator Guess: "Will Senator Washington yield? Senator, I have understood from the media, that you are going to introduce a bill having to do with a transportation authority. Would you, by any thought or stretch of imagination be presupposing the passage of a piece of legislation that has yet not come before the body?"

Senator Washington: "I am not presupposing the passage. I am sure it is going to come before the body. I intend to introduce it as an alternative to the one proposed by the Governor and I would hope that both his proposal and the proposal that I have would go before the Senate highways or transportation committee, as the case may be, as well as the re-introduction of a bill on mass transportation which this Senate passed in 1967 and sent to the House. That bill was in the Senate highways committee and I would assume that that bill which I intend to introduce, would also be in the highways or transportation committee."

Senator Guess: "Would the name change facilitate its passage?"

Senator Washington: "I do not believe it would facilitate its passage, it possibly might

give an additional argument for me to have that bill in the transportation committee. I am anxious that all of these bills along this line be before the committee."

The motion carried and the amendment to Rule 2 in Senate Resolution 1971-10 was adopted.

Senator Whetzel moved adoption of the following amendment to Rule 2 in Senate Resolution No. 1971-10 by Senators Whetzel and Elicker:

On Page 273, 1969 Rules

On line 3 of Rule 2 after the word "Senate", strike the remainder of the paragraph, being the proviso.

And, on page 274, on line 2, after the word "Senate", insert new paragraphs: "In appointing the committee members to the standing committees, the President shall name members in the same ratio as the membership of the respective parties in the Senate. Committee members will be selected by each parties caucus. The majority party caucus will select all committee chairmen.

Members of the rules and joint rules committee will be selected in the same manner and the same ratio as provided above. The President will be considered as one of his parties members of the committee and will serve as chairman of the rules and joint rules committee.

The caucus chairmen and floor leaders shall be members of the rules and joint rules committee.

Interim committee membership will be elected by the respective caucuses, unless otherwise provided by law, on a basis of statutory and geographical representation; otherwise, the same ratio between the parties will prevail in the caucus election of interim committee members."

Debate ensued

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, I would like to ask a question of Senator Whetzel. Do you approve of the seniority system in our national Congress?"

Senator Whetzel: "I think that is fraught with many problems in the seniority system, Senator Bailey. I think the problem with it is that we are unable to devise anything that really successfully takes its place and I think the seniority system has certain merits in that regard, although there may be some instances specially where it should not be followed."

Senator McDougall demanded a roll call and the demand was sustained by Senators Washington, Greive, Atwood, Newschwander, Scott, Donohue, Cooney, Peterson (Lowell) and Connor.

#### POINT OF INQUIRY

Senator Woodall: "Would Senator Whetzel yield to a question? Senator this amendment, if adopted would that have the effect of taking one Spokane man off of the committee on rules and joint rules?"

Senator Whetzel: "No."

Senator Woodall: "There is three on and you say with regard to geography. What would it do?"

Senator Whetzel: "Senator Woodall, if you would read the Rule, you would see that that reference is to interim committee membership and not to standing committees."

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 14; nays, 34; excused, 1.

Voting yea Senators Andersen, Atwood, Canfield, Clarke, Elicker, Holman, Huntley, Lewis, McDougall, Metcalf, Murray, Newschwander, Scott, Whetzel-14,

Voting nay Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Matson, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Tailey, Twigg, Walgren, Washington, Wilson, Woodall-34

Excused, Senator Foley-1

#### MOTION

At 12:40 p.m., on motion of Senator Greive, the Senate recessed until 1:45 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:45 p.m.

MOTION

On motion of Senator McDougall, Senator Peterson (Ted) was excused.  
The President announced the question before the Senate to be the adoption of Rule 2, as amended.

Rule 2, as proposed in Senate Resolution 1971-10, and amended, was adopted.  
Senators Bailey, Herr and Peterson (Lowell) demanded a Call of the Senate.  
A Call of the Senate was ordered on a rising vote.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber.

The Secretary called the roll on the Call of the Senate, all members being present except Senators Foley and Peterson (Ted).

On motion of Senator Bailey, the Senate proceeded under the Call of the Senate.

On motion of Senator Washington, the amendment to Rule 4 as proposed in Senate Resolution 1971-10 was adopted.

Senator Stender moved adoption of the following amendment to Rule 10 of Senate Resolution 1971-10:

On page 276 of the 1969 Legislative Manual, amend Rule 10 to read as follows:

"A majority of all members elected to the senate or appointed to senate standing committees shall be necessary to constitute a quorum to do business. PROVIDED, That less than a quorum may adjourn from day to day until a quorum can be had."

POINT OF ORDER

Senator Mardesich: "I would raise the point of order that proper notice has not been given."

RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order, believes that under the provisions of Senate Resolution 1971-10 that inasmuch as this resolution was placed by motion on the second reading calendar for consideration, that the intent at least of the resolution was to open up the entire body of temporary rules for amendment by anyone who wishes to propose an amendment at this time."

MOTIONS

On motion of Senator Mardesich, the amendment to Senate Rule 10 as proposed by Senator Stender was held following consideration of other amendments on the Secretary's desk.

On motion of Senator Atwood, the amendment to Senate Rule 27 as proposed in Senate Resolution 1971-10 was adopted.

Senator Washington moved adoption of the following amendment to Rule 28 of Senate Resolution 1971-10:

On page 2, after Rule 27, insert the following:

On page 281 of the 1969 Legislative Manual, amend Rule 28 to read as follows:

Rule 28 No standing rule or order of this senate shall be rescinded or changed without a [vote of two-thirds] majority vote of the members, and seven day's notice of the motion thereof. PROVIDED, Adoption of permanent rules may be by simple majority without notice, but a rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present. When the suspension of a rule is called, and after due notice from the president, no objection is offered, he may announce the rule suspended, and the senate may proceed accordingly.

Debate ensued

## POINT OF INQUIRY

Senator Dore: "Would Senator Washington yield to a question? Senator, just a question of clarification. Under your proposed rule then, you provide for a seven day notice. Is that correct?"

Senator Washington: "Yes, seven day notice."

Senator Dore: "Let me just give you my position. You have under Rule 28, suspension of rules. You provide by majority vote to suspend the rule. You provide for a seven day notice in your proposed amendment. It seems to me that under Reed's rules and parliamentary procedure we could dispense with the seven day notice requirement by a majority vote under the language of your proposed amendment. That is the way it reads."

Senator Washington: "No, I am convinced that that would not be the case. By a two-thirds majority at any time you may change the rule."

## MOTION

On motion of Senator Woodall, the amendment to Rule 28 as proposed by Senator Washington was ordered held following consideration of Rule 10.

Senator Washington moved adoption of the following amendment to Rule 46 of the Senate Resolution 1971-10

On page 2, before Rule 51, insert the following.

On page 286 of the 1969 Legislative Manual, add a new paragraph to Rule 46 to read as follows

Meetings of all standing committees relating to pending legislation shall be open and public at all times and all votes on any matter shall be taken in an open meeting PROVIDED, That this provision shall not apply to the committee on rules and joint rules.

## PARLIAMENTARY INQUIRY

Senator Fleming: "I was wondering, there is another amendment on the desk and whether that amendment would come before the amendment you are now considering?"

## REPLY BY THE PRESIDENT

The President: "Senator Fleming, the President has been advised by the Secretary that Senator Washington's amendment was placed before him first and therefore is to be considered first. Your amendment will be considered, possibly following the one by Senator Washington. Senator Washington's amendment adds a new paragraph to Rule 46 and yours is proposing a change."

Senator Wilson moved adoption of the following amendment to the amendment by Senator Washington to Rule 46

In the second line after "pending" strike "legislation" and insert "bills, resolutions and memorials"

## POINT OF ORDER

Senator Gissberg: "I raise the point of order that Senator Wilson's amendment is prohibited by our temporary rules. It is an amendment to the amendment to the amendment. We start out with Senate Resolution No. 10 which is an amendment to the temporary rules. Now Senator Washington is proposing an amendment presumably to that resolution and as I understand Senator Wilson, he is proposing an amendment to Senator Washington's amendment. He has three amendments on one, I think."

## RULING BY THE PRESIDENT

The President: "Senator Washington is endeavoring to amend Rule 46 through an amendment to Senate Resolution 1971-10 and Senator Wilson's proposed amendment is to the proposed amendment by Senator Washington, therefore in order."

## POINT OF INQUIRY

Senator Greive: "Is your interpretation of Reed's Rule 133 that we can have an amendment to an amendment to an amendment?"

## REPLY BY THE PRESIDENT

The President: "That is not the case, in the President's mind, Senator Greive. Senator Washington is endeavoring to amend Rule 46 through an amendment to Senate Resolution 1971-10. Senator Washington's amendment is amending Senate Resolution 1971-10 and

therefore Senator Wilson is privileged to offer or to, in his mind, perfect Senator Washington's amendment to the resolution. If the body so desires."

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, a point of inquiry then. What does this do to Senator Fleming's amendment to the same rule?"

#### REPLY BY THE PRESIDENT

The President: "Senator Fleming's amendment is not an amendment to Senator Washington's proposed amendment. Senator Fleming has an amendment to the resolution."

#### PARLIAMENTARY INQUIRY

Senator Fleming: "I am not a parliamentarian so I wanted to get something straight here. I am a little confused too. My amendment, I assume, is to a different portion of the rule so mine will not be locked out in case Senator Washington's is adopted. Right?"

#### REPLY BY THE PRESIDENT

The President: "Senator Fleming, your amendment will not be locked out. Your amendment will be considered."

The amendment by Senator Wilson to the amendment by Senator Washington to Senate Resolution 1971-10 was adopted.

The President declared the question before the Senate to be the amendment as amended, to Senate Resolution 1971-10 as proposed by Senator Washington.

Senator Washington demanded a roll call and the demand was sustained by Senators Metcalf, Bailey, Connor, Francis, Heer, Scott, Elicker, Wilson and Fleming.

#### ROLL CALL

The Secretary called the roll and the amendment, as amended, to Rule 46 of Senate Resolution 1971-10 failed by the following vote: Yeas, 20; nays, 27, excused, 2.

Voting yea: Senators Bailey, Connor, Elicker, Fleming, Francis, Greive, Holman, Jolly, Knoblauch, McCutcheon, Murray, Odegaard, Ridder, Sandison, Scott, Stortini, Talley, Washington, Whetzel, Wilson—20.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Gardner, Gissberg, Guess, Henry, Herr, Huntley, Keefe, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Peterson (Lowell), Stender, Twigg, Wagren, Woodall—27.

Excused: Senators Foley, Peterson (Ted)—2.

Senator Washington moved adoption of the following amendment to Senate Resolution 1971-10 to Rule 46 of the Senate Rules:

On page 2, before Rule 51 insert the following.

On page 286 of the 1969 Legislative Manual, add a new paragraph to Rule 46 to read as follows:

"Meetings of all standing committees relative to pending legislation shall be open to the public, unless the chairman of the committee by a majority vote of its entire membership, orders an executive session: PROVIDED, That this provision shall not apply to the committee on rules and joint rules."

#### POINT OF INQUIRY

Senator Woodall: "Mr. President, that would mean then a majority of the whole membership? Then if you only had a bare quorum present and in the case of your particular committee you meet and do business without having a majority of your own committee there this rule would never apply because you never would get a vote of the entire committee. It certainly ought to be a majority of those present rather than a majority of your whole committee. If you would accept that amendment then I would have no objection to it."

Senator Washington: "In response to the question by Senator Woodall, this particular amendment is verbatim from the rule just adopted by the California assembly on January 4.



In answer to your particular question, if there is going to be something that is of a particular sensitive nature, I think every member of the committee is going to know about it and they are going to be there so that there will be a majority vote to make it an executive session. I am not particularly concerned in my committee because it operates without executive sessions anyhow. It operates without a quorum."

Senator Dore moved adoption of the following amendment to the amendment to Rule 46 of Senate Resolution 1971-10 by Senator Washington:

On line 4 of the amendment after "of" strike "its entire membership" and insert "the committee members present."

Debate ensued

#### POINT OF INQUIRY

Senator Guess: "Will Senator Washington yield? Senator, I recall the day that we adopted the temporary or the ground rules by which the highway committee operates and you enunciated those that we would operate on a nine man quorum and that you put us on notice at that time that you would brook no call of a question or quorum during the session. Now with this amendment before the body, are you again going to make the statement in committee and refuse to recognize the vote of the committee members present for an executive session?"

Senator Washington: "Senator Guess, I do not believe anyone in the highway committee can say that their motions have not been placed and put. I did mention that very seldom did anyone raise the question of a quorum and when it has been raised it was raised I think on one or two occasions—and particularly by Senator Stender, and we did not proceed. I think you remember that."

Senator Guess: "Senator Washington, last year I was one who called the question of a quorum on a bill because there was not a quorum there. There were five of us and I was very much opposed to the bill and yet I was voted down. I paid particular attention to your statement this time that you would not consider the question of a quorum if anybody tried to raise it this year."

"So this is the reason that I want to get this in the record. If this amendment is adopted you will abide by the rule as adopted here today?"

Senator Washington: "Definitely I will abide by the rules that are adopted. And Senator Guess, at least my memory of the operation of the committee does not necessarily accord with yours."

Further debate ensued.

Senator Washington demanded a roll call and the demand was sustained by Senators Creve, Ridder, Henry, Sandison, Whetzel, Bailey, Wilson, McCutcheon and Cooney.

#### ROLL CALL

The Secretary called the roll and the amendment by Senator Dore to the amendment by Senator Washington to Rule 46 was adopted by the following vote: Yeas, 36, nays, 11, excused, 2.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Gissberg, Guess, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowe), Sandison, Stender, Stornini, Talley, Twigg, Walgren, Woodall—36.

Voting nay: Senators Bailey, Connor, Elicker, Grewa, Holman, Odegaard, Ridder, Scott, Washington, Whetzel, Wilson—11.

Excused: Senators Foley, Peterson (Ted)—2.

Senator Wilson moved adoption of the following amendment to the amendment by Senator Washington as amended by Senator Dore to Rule 46 of Senate Resolution 1971-10:

In the second line after "pending" strike "legislation" and insert "bills, resolutions and memorials"

Debate ensued

The motion carried and the amendment to the amendment was adopted

Senator Day moved adoption of the following amendment to the amendment by Senator Washington as amended by Senators Dore and Wilson:

On line 6 after "session" insert "PROVIDED, That this rule shall apply only when final action is taken on a bill."

Debate ensued.

# POINT OF INQUIRY

Senator Bailey: "Mr President, question of Senator Washington. Senator, if someone proposes an amendment in the committee does that have to be a yea and nay vote? It might not be an important amendment, just a casual amendment, maybe put a comma in or take a comma out. The way your amendment reads, do you mean that we have to record that vote?"

Senator Washington: "No."

Senator Bailey: "Then what would be your objection to Senator Day's amendment to your amendment which would say just on the final consideration?"

Senator Washington: "My point is I do not think what Senator Day has provided in his amendment is what he really proposes to do. I find it difficult to understand the amendment."

Further debate ensued

There being no objection, Senator Day withdrew his proposed amendment

The President declared the question before the Senate to be the adoption of the amendment by Senator Washington as amended by Senators Wilson and Dore to Rule 46 of Senate Resolution 1971-10

Senator Washington demanded a roll call and the demand was sustained by Senators Gissberg, Francis, Mardesich, Metcalf, McDougall, Holman, Fleming, Ridder and Greive

# ROLL CALL

The Secretary called the roll and the amendment as amended was adopted by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Ellicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortum, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodal. 46

Voting nay: Senator McCutcheon-1.

Excused: Senators Foley, Peterson (Ted)-2.

Senator Washington moved adoption of the following amendment to Rule 46 of Senate Resolution 1971-10

On page 2, before Rule 51, insert the following. On page 286 of the 1969 Legislative Manual, add a new paragraph to Rule 46 to read as follows:

"A record of the votes of the members of the committees on rules and joint rules on all issues shall be kept and retained by the Secretary of the Senate until the end of the session. It shall be available for inspection by any interested person."

Debate ensued.

# POINT OF INQUIRY

Senator Bailey: "Mr President, I am in favor of open records and open records in the rules committee but I wonder why that this should be in the rules committee on all issues and Senator Washington reserved in the highways committee and other committees certain things that he would not discuss in public. I was wondering if there was some reason why the rules committee would be different from the highways committee?"

Senator Washington: "I took the rule that the House has. I figured that that would perhaps have the best chance of being passed. In other words, they have adopted this as a rule which they would be willing to be governed by if the Senate would be governed by the same rule."

"If you wanted to tighten it up still further on the other standing committees, I would be perfectly willing to do it."

Further debate ensued

# POINT OF INQUIRY

Senator Greive: "I have a peculiar problem on this particular amendment. I am probably going to vote with Senator Washington, which I consistently do in these matters, but the thing that bothers me is that 1, year in and year out, vote to put things out here that I am against, simply because I do not like to see them held in the rules committee. Now does that mean that I, from now on have to change my voting pattern to look at the substantive issue and decide that if I am against it I can not possibly vote to put it on the calendar? I wonder how Senator Washington is going to solve my problem."

Senator Washington: "I think your problem is very easy. You vote against it when it comes out on the floor. I think you have made your record very clear when you do that."

On motion of Senator Gissberg, the following amendment to the amendment by Senator Washington was adopted

On line 2 strike "issues" and insert "bills, resolutions and memorials"

The President declared the question before the Senate to be the adoption of the amendment by Senator Washington as amended by Senator Gissberg to Rule 46 of Senate Resolution 1971-10

Senator Washington demanded a roll call and the demand was sustained by Senators Greive, Sandison, Holman, Wilson, Fleming, Elicker, Gissberg, Knoblauch and McCutcheon

#### ROLL CALL

The Secretary called the roll and the amendment as amended was adopted by the following vote: Yeas, 46; nays, 1; excused, 2

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Joly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortin, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodal—46.

Voting nay: Senator McCutcheon—1

Excused: Senators Foley, Peterson (Ted)—2

#### PERSONAL PRIVILEGE

Senator Gissberg. "I would predict that henceforth all bills that come out of the committee on rules and joint rules will be by unanimous vote of the rules committee and there will be lots of switching"

#### POINT OF INQUIRY

Senator Canfield "Will Senator Washington yield to a question? Senator, if Senator Gissberg's observation is valid, would you kindly explain the functions of the committee on rules and joint rules?"

Senator Washington. "The true function of the committee on rules and joint rules is to schedule bills to come out on the floor of the Senate for action."

Senator Canfield. "Well, Senator, if your answer is valid, couldn't Mr. Snyder do that by himself and do it more efficiently?"

Senator Washington: "That is possible. We are one of the few states that has a rules committee. There are not very many states that actually do have a rules committee and many of them seem to function alright without one."

#### POINT OF INQUIRY

Senator Stender "Senator Washington, you said these bills have had a workout in the standing committee. How do you reckon that with that clipboard that comes along and have no meeting whatsoever and they end up in the rules committee. How do you figure that will work out?"

Senator Washington. "When the matter of rules committee came up, one of the points that was being made is that the committees were taking the easy way out. Now that we are opening up the rules committee, I predict that we are going to have better committee action and we are going to have better committee work."

Senator Stender. "Senator, you know, and you have been here longer than I, that it has been a very prominent practice here to get a clipboard with a bill on it and get enough signatures and it goes to the committee on rules. Then the rules committee that gets all the heat for not allowing a bill to come out, that has never been heard, never had any consideration in the standing committees."

Senator Washington: "I agree with you and I predict that by loosening up the rules committee that we are going to see a change in that practice and that we are going to have better committee work and that we are going to have less of them being circulated rather than having had committee action."

Senator Fleming moved adoption of the following amendment to Rule 46 of Senate Resolution 1971-10

On page 286 of the 1969 Legislative Manual that the material under the sub-heading "Rules Committee Daily Calendar" be amended to read as follows.

"The committee on rules and joint rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate. *No bill submitted to the committee on rules and joint rules shall remain in the committee for a period greater than seventy two hours before being reported to the senate*

The senate may change the order of consideration of bills on the second or third reading calendar "

Debate ensued

Senator Francis moved adoption of the following amendment to the amendment by Senator Fleming

On line 6, strike "seventy-two hours" and insert "ten working days"

Debate ensued

On motion of Senator Talley, the amendment by Senator Francis was laid upon the table

On motion of Senator Talley, the amendment by Senator Fleming was laid upon the table on a rising vote.

The President declared the question before the Senate is the adoption of Rule 46 of Senate Resolution 1971 10 as amended. The motion carried and Rule 46, as amended, was adopted.

There being no objection, upon request of Senator Gissberg the Senate Chamber was made available to the Senate Judiciary Committee on February 10, 1971 at 8.00 p.m. for a public hearing

#### MOTIONS

On motion of Senator Greive, the Senate dispensed with the Call of the Senate

At 4:30 p.m., on motion of Senator Greive, the Senate adjourned until 11.00 a.m., Friday, February 5, 1971.

JOHN A. CHERBERG, President of the Senate  
SIDNEY R. SNYDER, Secretary of the Senate.

## TWENTY-SIXTH DAY

### MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, February 5, 1971.

The Senate was called to order at 11.00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Durkan, Francis, Gardner Gissberg, McDougall, Peterson (Ted), Ridder and Whetzel. On motion of Senator Andersen, Senators McDougall, Peterson (Ted) and Whetzel were excused. On motion of Senator Donohue, Senators Durkan, Keele, Gardner and Gissberg were excused. On motion of Senator Knoblauch, Senator Ridder was excused.

The Color Guard, consisting of Pages Tim Lewis, Color Bearer, and Virginia Kraft, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered prayer as follows:

"O God, our Father, in Thee we place our trust. You alone know the end from the beginning, whereas we, Your children, must walk in hope and faith. We are anxious about the consequences of the decisions we make here. At times, our minds are troubled with confusion and honest perplexity. Help us to rest our minds on You, and to seek Your guidance, that we may do what is right, And even though we may not be able to see the distant scene, help us to be willing to take one step at a time, and trust You for the rest. Through Jesus Christ our Lord. Amen."

On motion of Senator Grave, the reading of the journal of the previous day was dispensed with and it was approved.

### REPORTS OF STANDING COMMITTEES

February 4, 1971.

SENATE BILL NO. 48, providing for changes in the fee for the registration of guns (reported by Judiciary Committee):

MAJORITY recommendation: That the bill be referred to Ways and Means Committee.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Clarke, Foley Twigg, Walgren, Woodall.

### MOTION

On motion of Senator Dore, Senate Bill No. 48 was referred to the Committee on Ways and Means—Revenue and Taxation.

February 4, 1971.

SENATE BILL NO. 50, providing certain changes relating to control of motor vehicle accidents (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Atwood, Clarke, Foley, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

February 4, 1971.

SENATE BILL NO. 54, establishing procedures for issuance of occupational drivers' license (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Andersen, Clarke, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

February 4, 1971.

SENATE BILL NO. 66, implementing law relating to education of all handicapped children (reported by Committee on Education).

MAJORITY recommendation: Do pass.

Signed by Senators Francis, Chairman, Gardner, Metcalf, Murray, Odegaard, Peterson (Ted), Washington.

Passed to Committee on Rules and Joint Rules for second reading.

February 4, 1971

SENATE BILL NO. 158, changing monthly apportionment schedule for funds going from state general fund to school districts (reported by Committee on Education).

MAJORITY recommendation: Do pass as amended.

Signed by Senators Francis, Chairman; Gardner, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

February 4, 1971

SENATE BILL NO. 159, providing for certification of school district enrollment estimates by superintendent of public instruction (reported by Committee on Education).

MAJORITY recommendation: Do pass as amended.

Signed by Senators Francis, Chairman; Gardner, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

February 4, 1971

SENATE BILL NO. 168, permitting tentative school district preliminary budgets when awaiting appropriations as to amount of state aid available (reported by Committee on Education).

MAJORITY recommendation: Do pass.

Signed by Senators Francis, Chairman, Gardner, Metcalf, Murray, Odegaard, Peterson (Ted), Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

February 4, 1971.

SENATE BILL NO. 241, adding additional members to the judicial council (reported by Judiciary Committee).

MAJORITY recommendation: Do pass.

Signed by Senators Gussberg, Chairman, Andersen, Clarke, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

February 4, 1971.

SENATE JOINT RESOLUTION NO. 5, authorizing lotteries (reported by Judiciary Committee).

MAJORITY recommendation: Do pass.

Signed by Senators Gussberg, Chairman, Andersen, Atwood, Clarke, Foley, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

February 4, 1971.

SENATE CONCURRENT RESOLUTION NO. 2, providing for a study of a single distribution method for funds for the common schools (reported by Committee on Education).

MAJORITY recommendation: Do pass as amended.

Signed by Senators Francis, Chairman, Gardner, Metcalf, Odegaard, Peterson (Ted), Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

## MESSAGE FROM THE HOUSE

February 4, 1971.

Mr. President: The House has passed.  
ENGROSSED HOUSE BILL NO. 48,  
ENGROSSED HOUSE BILL NO. 57,  
HOUSE BILL NO. 106,  
ENGROSSED HOUSE BILL NO. 118,  
ENGROSSED HOUSE BILL NO. 163,  
HOUSE BILL NO. 169,  
HOUSE BILL NO. 185.

HOUSE BILL NO. 200,  
 ENGROSSED HOUSE BILL NO. 206,  
 HOUSE BILL NO. 216,  
 HOUSE BILL NO. 217,  
 and the same are herewith transmitted DONALD R. WILSON, Assistant Chief Clerk

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 402, by Senators Greive, Bailey, McDougall, Walgren and Fleming (by Secretary of State request):

An Act relating to elections; amending section 29.33.220, chapter 9, Laws of 1965 and RCW 29.33.220, and amending section 29.45.120, chapter 9, Laws of 1965 and RCW 29.45.120

Referred to Committee on Constitution, Elections and Legislative Processes.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 402.

SENATE BILL NO. 403, by Senators Day and Cooney (by Insurance Commissioner request):

An Act relating to insurance, including health care services contracts, amending section 1, chapter 268, Laws of 1947 as last amended by section 1, chapter 87, Laws of 1965 and RCW 48.44.010, amending section 8, chapter 115, Laws of 1969 and RCW 48.44.045; adding a new section to chapter 48.20 RCW, adding a new section to chapter 48.21 RCW, adding new sections to chapter 48.44 RCW, and repealing sections 20, 21 and 22, chapter 229, Laws of 1951 and RCW 48.20.192, 48.20.202 and 48.20.212.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO. 404, by Senators Metcalf, Stortini and Ridder:

An Act relating to education, authorizing a study, creating new sections; and declaring an effective date

Referred to Committee on Education.

SENATE BILL NO. 405, by Senators Elcker, Wilson and Peterson (Lowell):

An Act relating to the withdrawal of public lands for the benefit of the public; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 406, by Senators Peterson (Ted), Dore, Holman and Ridder:

An Act relating to certain school districts in class AA counties, amending section 29.13.060 chapter 9, Laws of 1965 and RCW 29.13.060, amending section 9, chapter 131, Laws of 1969 and RCW 28A.57.425; amending section 10, chapter 131 Laws of 1969 and RCW 28A.57.435; and creating a new section.

Referred to Committee on Education

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 406

SENATE BILL NO. 407, by Senators Newschwander, Knoblauch and Talley.

An Act relating to public assistance, establishing practices for the purchase of services by the division of public assistance, department of social and health services, and creating a new section.

Referred to Committee on Public Institutions

SENATE BILL NO. 408, by Senators Newschwander, Knoblauch and Talley

An Act relating to public assistance, concerning the committee on vendor's rates, and adding new sections to chapter 74.32 RCW.

Referred to Committee on Public Institutions

SENATE BILL NO 409, by Senator Donohue (by departmental request)

An Act relating to revenue and taxation, amending section 4, chapter 236, Laws of 1955 and RCW 60 28 040, amending section 82 04 050, chapter 15, Laws of 1961, as last amended by section 1, chapter 8, Laws of 1970 ex sess and RCW 82 04 050, amending section 82 08 050, chapter 15, Laws of 1961 as amended by section 15, chapter 173, Laws of 1965 ex sess and RCW 82 08 050, amending section 82 08 070, chapter 15, Laws of 1961 as amended by section 8, chapter 293, Laws of 1961 and RCW 82 08 070, amending section 82 12 010, chapter 15, Laws of 1961, as last amended by section 17, chapter 173, Laws of 1965 ex sess and RCW 82 12 010, amending section 82 12 040, chapter 15, Laws of 1961, as amended by section 11, chapter 293, Laws of 1961 and RCW 82 12 040, amending section 82 32 040, chapter 15, Laws of 1961 and RCW 82 32 040, amending section 82 32 050, chapter 15, Laws of 1961, as amended by section 1, chapter 141, Laws of 1965 and RCW 82 32 050; amending section 82 32 060, chapter 15, Laws of 1961, as last amended by section 27, chapter 173, Laws of 1965 ex sess and RCW 82 32 060, amending section 82 32 080, chapter 15, Laws of 1961, as last amended by section 2, chapter 141, Laws of 1965 ex sess and RCW 82 32 080, amending section 82 32 090, chapter 15, Laws of 1961, as last amended by section 26, chapter 149, Laws of 1967 ex sess and RCW 82 32 090, amending section 82 32 100 chapter 15, Laws of 1961, as amended by section 4, chapter 141, Laws of 1965 ex sess and RCW 82 32 100, amending section 82 32 190, chapter 15, Laws of 1961 as amended by section 6, chapter 141, Laws of 1965 ex sess and RCW 82 32 190; amending section 11, chapter 28, Laws of 1963 ex sess and RCW 82 32 350, amending section 82 32 350, chapter 15, Laws of 1961 and RCW 82 32 350; providing penalties; and establishing an effective date.

Referred to Committee on Ways and Means - Revenue and Taxation.

SENATE BILL NO 410, by Senators Matson, McDougall and Wilson

An Act relating to agriculture providing for the regulation of horticultural plants; creating new sections, repealing section 1, chapter 221, Laws of 1961, section 16, chapter 240, Laws of 1967 and RCW 15 13 010, repealing section 2 chapter 221, Laws of 1961, section 17, chapter 240, Laws of 1967 and RCW 15 13 020, repealing section 3, chapter 221, Laws of 1961 section 18, chapter 240, Laws of 1967 and RCW 15 13 030, repealing section 4, chapter 221, Laws of 1961 and RCW 15 13 040; repealing section 20, chapter 240, Laws of 1967 and RCW 15 13 045, repealing section 5, chapter 221 Laws of 1961 and RCW 15 13 050; repealing section 6, chapter 221, Laws of 1961 and RCW 15 13 060, repealing section 7 chapter 221, Laws of 1961 and RCW 15 13 070, repealing section 8, chapter 221 Laws of 1961 and RCW 15 13 080, repealing section 9, chapter 221, Laws of 1961 and RCW 15 13 090, repealing section 21, chapter 240, Laws of 1967 and RCW 15 13 095, repealing section 10, chapter 221, Laws of 1961 and RCW 15 13 100, repealing section 11, chapter 221, Laws of 1961 and RCW 15 13 110, repealing section 12, chapter 221, Laws of 1961 and RCW 15 13 120, repealing section 13, chapter 221, Laws of 1961 and RCW 15 13 130, repealing section 14, chapter 221, Laws of 1961 and RCW 15 13 140, repealing section 15, chapter 221, Laws of 1961 and RCW 15 13 150; repealing section 16, chapter 221, Laws of 1961 and RCW 15 13 160, repealing section 17 chapter 221, Laws of 1961 and RCW 15 13 170, repealing section 18, chapter 221, Laws of 1961 and RCW 15 13 180, repealing section 19, chapter 221, Laws of 1961 and RCW 15 13 190, repealing section 20, chapter 221, Laws of 1961, section 19, chapter 240 Laws of 1967 and RCW 15 13 200, repealing section 21, chapter 221, Laws of 1961 and RCW 15 13 210, repealing section 22, chapter 221, Laws of 1961 and RCW 15 13 900, repealing section 23, chapter 221, Laws of 1961 and RCW 15 13 910, prescribing penalties, and declaring an effective date

Referred to Committee on Agriculture and Horticulture

SENATE BILL NO 411, by Senators Lewis, Henry, Woodall, Newschwander Clarke, Gues, McDougall, Matson, Metcalf, Andersen, Donohue, Jolly, Day, Walgren Mardesich, Keefe, Herr, Knoblauch, Talley Stortini Peterson (Lowell), Stender, Ridder, Connor, Twigg, Canfield, Holman and Odegaard

An Act relating to the licensing and regulation of outdoor festivals, prescribing



conditions for the issuance of permits; adding new sections to Title 70 RCW; defining crimes, prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce and Regulatory Agencies.

#### MOTION

On motion of Senator Lewis, the rules were suspended and additional sponsors were added to Senate Bill No. 411.

- SENATE BILL NO. 412, by Senators Gissberg, Clarke and Walgren  
An Act relating to sheriff's fees, and amending section 36.18.040, chapter 4, Laws of 1963 and RCW 36.18.040  
Referred to Judiciary Committee.

SENATE BILL NO. 413, by Senators Lewis, Matson, Flicker, Walgren and Mardesich.  
An Act relating to public transportation, amending section 11, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.276, and amending section 82.44.150, chapter 15, Laws of 1961 as amended by section 15, chapter 255, Laws of 1969 ex. sess. and RCW 82.44.150

Referred to Committee on Highways.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 413.

SENATE BILL NO. 414, by Senators Atwood and Gissberg (by executive request)

An Act relating to state government, providing additional powers, duties, and functions to the department of revenue; amending section 14.02, chapter 79, Laws of 1947 as amended by section 9, chapter 241, Laws of 1969 ex. sess. and RCW 48.14.020; amending section 14.03, chapter 79, Laws of 1947 and RCW 48.14.030; amending section 14.06, chapter 79, Laws of 1947 and RCW 48.14.060; amending section 14.07, chapter 79, Laws of 1947 and RCW 48.14.070; amending section 15.10, chapter 79, Laws of 1947 as amended by section 6, chapter 303, Laws of 1955 and RCW 48.15.100; amending section 15.11, chapter 79, Laws of 1947 as amended by section 7, chapter 303, Laws of 1955 and RCW 48.15.110; amending section 15.12, chapter 79, Laws of 1947 and RCW 48.15.120; amending section 15.13, chapter 79, Laws of 1947 and RCW 48.15.130; amending section 15.14, chapter 79, Laws of 1947 and RCW 48.15.140; amending section 75.32.070, chapter 12, Laws of 1955 as amended by section 2, chapter 10, Laws of 1963 ex. sess. and RCW 75.32.070; amending section 75.32.080, chapter 12, Laws of 1955 and RCW 75.32.080; amending section 75.32.090, chapter 12, Laws of 1955 as last amended by section 1, chapter 193, Laws of 1967 and RCW 75.32.090; amending section 2, chapter 9, Laws of 1963 ex. sess. and RCW 75.32.101; amending section 75.32.110, chapter 12, Laws of 1955 and RCW 75.32.110; amending section 75.32.123, chapter 12, Laws of 1955 and RCW 75.32.120; amending section 75.32.130, chapter 12, Laws of 1955 and RCW 75.32.130; amending section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 153, Laws of 1967 and RCW 82.36.010; amending section 2, chapter 22, Laws of 1963 ex. sess. as amended by section 1, chapter 67, Laws of 1965 and RCW 82.37.020; amending section 82.40.010, chapter 15, Laws of 1961 as last amended by section 24, chapter 281, Laws of 1969 ex. sess. and RCW 82.40.010; amending section 1, chapter 10, Laws of 1967 ex. sess. as amended by section 1, chapter 254, Laws of 1969 ex. sess. and RCW 82.42.010; adding a new section to chapter 48.4 RCW; adding a new section to chapter 75.32 RCW; adding new sections to chapter 82.01 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means—Revenue and Taxation

SENATE BILL NO. 415, by Senators Durkan, Stender, Stortini, Grove and Ridder.  
An Act relating to labor relations in health care activities

Referred to Committee on Labor and Industrial Insurance.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 415.

SENATE BILL NO. 416, by Senators Stender, Mardesich and Twigg

An Act relating to pressure systems, amending section 1, chapter 32, Laws of 1951 and RCW 70 79 010, amending section 2, chapter 32, Laws of 1951 and RCW 70 79 020, amending section 3, chapter 32, Laws of 1951 and RCW 70 79 030, amending section 4, chapter 32, Laws of 1951 and RCW 70 79 040, amending section 5, chapter 32, Laws of 1951 and RCW 70 79 050, amending section 6, chapter 32, Laws of 1951 and RCW 70 79 060, amending section 7, chapter 32, Laws of 1951 and RCW 70 79 070, and providing an effective date

Referred to Committee on Labor and Industrial Insurance.

SENATE BILL NO. 417, by Senators Peterson (Ted), Peterson (Lowell) and Talley

An Act relating to fishing, amending section 75 18.080, chapter 12, Laws of 1955 and RCW 75 18 080, amending section 5, chapter 309, Laws of 1959 as amended by section 1, chapter 73, Laws of 1961 ex sess. and RCW 75 28 085, amending section 1, chapter 9, Laws of 1969 and RCW 75 28 095; amending section 75 28 130, chapter 12, Laws of 1955 as last amended by section 4, chapter 73, Laws of 1965 ex sess. and RCW 75 28 130; creating a new section, and repealing section 1, chapter 23, Laws of 1969 ex sess. and RCW 75.12.650

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO. 418, by Senators Lewis, Newschwander, Whetzel, Ellicker, Andersen, Murray, Scott, Dore, Gardner, Peterson (Ted), Day, Jolly, Stender and Twigg (by executive request)

An Act relating to public beaches, amending section 46 08 180, chapter 12, Laws of 1961 as amended by section 7, chapter 120, Laws of 1967 and RCW 43.51 080, and describing offenses and penalties therefor.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 418

ENGROSSED HOUSE BILL NO. 48, by Representatives Thompson, Newhouse, Berentson and King (by Legislative Council request)

Authorizing department of natural resources to condemn access to public lands suitable for recreation

Referred to Committee on Natural Resources, Fisheries and Game

ENGROSSED HOUSE BILL NO. 57, by Representatives Wolf, Adams and Kopet (by departmental request)

Providing for changes in licensing periods by the director of motor vehicles.

Referred to Committee on Highways

HOUSE BILL NO. 106, by Representatives Zimmerman, Thompson, North, Hurley and Ceccarelli (by departmental request):

Protecting endangered species of fish and wildlife.

Referred to Committee on Natural Resources, Fisheries and Game

ENGROSSED HOUSE BILL NO. 118, by Representatives Zimmerman, Brown, Brouillet and Randall (by Joint Committee on Education request):

Providing for number of school directors in new school districts.

Referred to Committee on Education

ENGROSSED HOUSE BILL NO. 163, by Representatives Cunningham, Conner, Hoggins, Bozarth, Kilbury and Merrill.

Requiring unloaded school buses to stop at railroad crossings.

Referred to Judiciary Committee.

HOUSE BILL NO. 169, by Representatives Cunningham, Conner, Bozarth, Anderson,

Gallagher, Beck, Hubbard, Douthwaite and Merrill (by Joint Committee on Highways request).

Extending powers to stop motor vehicles for driver's license check and vehicle inspection and test to hours of darkness

Referred to Judiciary Committee.

HOUSE BILL NO 185, by Representatives Julin and Wojahn (by Judicial Council request)

Adding additional members to the judicial council.

Referred to Judiciary Committee.

HOUSE BILL NO 200, by Representatives Thompson, Wolf, Martins and Paris:

Authorizing the relocation of harbor lines in front of Kalama and Everett.

Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO 206, by Representatives Julin, Harris and Marsh.

Permitting immediate transfers of assets under the bulk sales act.

Referred to Judiciary Committee

HOUSE BILL NO. 216, by Representatives Julin, Morrison and Bottiger (by Attorney General request)

Providing for the contents of certain trust instruments to conform to requirements of the Internal Revenue Code of 1954

Referred to Judiciary Committee

HOUSE BILL NO 217, by Representatives Julin, Morrison and Bottiger (by Attorney General request):

Prohibiting certain acts by private foundations.

Referred to Judiciary Committee.

The Senate resumed consideration of Senate Resolution 1971-10

Senator Atwood moved adoption of the amendment as proposed in Senate Resolution 1971-10 to Rule 51.

Debate ensued

Senator Washington demanded a roll call and the demand was sustained by Senators Bailey, Elicker, Holman, McCutcheon, Wilson, Metcalf, Atwood, Peterson (Lowell) and Mardesich

Further debate ensued

#### POINT OF ORDER

Senator Washington: "Once the vote has started, I raise the point of order whether we can continue the debate. The voting process has started. All we did was then ask for a roll call."

#### RULING BY THE PRESIDENT

The President "Senator Washington, the demand for the roll call was sustained. However, the Secretary had not been requested to start the roll call. The roll call actually had not commenced."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll and the amendment to Senate Rule 51 as proposed in Senate Resolution 1971-10 failed by the following vote: Yeas, 18; nays, 23; excused, 8.

Voting yea Senators Andersen, Atwood, Bailey, Connor, Elicker, Fleming, Foley, Greive, Holman, Knoblauch, McCutcheon, Matson, Odegaard, Sandison, Stortum, Talley, Washington, Wilson—18

Voting nay: Senators Canfield, Clarke, Cooney, Day, Donohue, Dore, Guess, Henry, Herr, Huntley, Jolly, Keefe, Lewis, Mardesich, Metcalf, Murray, Newschwander, Peterson (Lowell), Scott, Stender, Twigg, Wagren, Woodall—23

Excused: Senators Durkan, Francis, Gardner, Gissberg, McDougall, Peterson (Ted), Ridder, Whetzel—8.

Senator Mardesich moved adoption of the amendment to Rule 58 as proposed in Senate Resolution 1971-10

Debate ensued

The motion carried and the amendment to Rule 58 of the Senate Rules was adopted.

Senator Mardesich moved adoption of the amendment to Rule 61 as proposed in Senate Resolution 1971-10.

Debate ensued

### PARLIAMENTARY INQUIRY

Senator Woodall: "Wasn't this particular rule acted upon yesterday by the body?"

### REPLY BY THE PRESIDENT

The President: "Senator Woodall, the Secretary has advised the President that a similar proposed amendment was in the hands of the Secretary but was withdrawn before acted upon by the Senate."

The motion carried and the amendment to Rule 61 of the Senate Rules was adopted

Senator Atwood moved adoption of the following amendment by Senators Atwood and Andersen to Senate Resolution 1971-10

On page 296 of the 1969 Legislative Manual, after Rule 72, add a new rule to be known as Rule 73 to read as follows:

#### "VOTE ON REPORTING BILLS FROM STANDING COMMITTEES

**NEW RULE 73.** On any motion to report out a measure from any standing committee other than Rules and Joint Rules which fails for want of a majority favoring, one-third of the members of such committee may demand that the vote be recorded and entered in the Journal of the Senate."

Debate ensued.

### POINT OF ORDER

Senator Woodall: "Does not this fly in the teeth of the one adopted by Senator Gissberg? Is this not in effect recommending the amendment as adopted on the subject of what we voted on? I believe you will find that this conflicts with the amendment by Senator Gissberg or Senator Dore to the amendment by Senator Washington which was adopted yesterday."

### REPLY BY THE PRESIDENT

The President: "The President believes on a point of order of this importance that it is necessary to examine thoroughly the minutes of the proceedings and the action of the Senate as of yesterday."

### MOTION

On motion of Senator Woodall, further consideration of the adoption of Senate Rules and the pending amendment by Senators Atwood and Andersen were ordered held for further consideration Monday, February 8, 1971.

Senator Knoblauch moved adoption of the following resolution:

#### SENATE RESOLUTION 1971-9

By Senators Knoblauch, Stortini and Woodall.

WHEREAS, It is fitting that the state of Washington provide a national cemetery for its veterans who died fighting for their country; and

WHEREAS, These citizens who sacrificed so much should be buried at home within the state of Washington; and

WHEREAS, The feasibility of acquiring or utilizing property for and establishing such a cemetery within this state is currently unknown.

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Legislative Budget Committee be authorized and directed to make a study to examine the possibility of acquiring or utilizing property in this state for a national cemetery and to investigate the problems to be encountered in establishing such a cemetery therein.

BE IT FURTHER RESOLVED, That the results of the study and any legislation deemed necessary be incorporated in a report to be made to the members of the legislature prior to the next regularly scheduled session of the legislature.

Debate ensued.

#### POINT OF INQUIRY

Senator Guess: "Will Senator Knoblauch yield? Senator, I was under the impression that national cemeteries were established by the Congress."

Senator Knoblauch: "This is giving the legislative budget committee the authority to investigate the possibility of establishing a national cemetery in the state of Washington. I know that Oregon has one. They must have had to go through some policy or some type of investigation and this would give the committee authority."

Senator Guess: "Senator Knoblauch, I was in the state of Oregon at the time that the new national cemetery was established there. I was employed by the corps of engineers who made the survey and did the land taking and I know that this is a rather extensive undertaking and could cost quite a lot of money to do a thorough study."

"I just wonder at this time in the crisis of our budget, do we really have enough money to spend and to justify the legislative budget committee going out and expending funds on something that really is not within the purview of the state of Washington?"

Senator Knoblauch: "Senator Guess, I think that the committee can make the proper investigation, much of it can be done by letters to find out the possibilities. We do have property in this state that could be available. It does not say that we are going to purchase new property. It says that we can acquire property or utilize property that we now have. I do not think there is any serious cost in this. It is something the veterans' groups have wanted for a long time and I would hope that the Senate would go along with this resolution."

Further debate ensued.

#### POINT OF INQUIRY

Senator Foley: "Would Senator Knoblauch yield? I do think that this is a tremendous job that the legislative budget committee might have to perform and I am going to suggest that Mr. Sozte, the legislative auditor, first of all he write a letter to the appropriate agency in Washington, D.C. and find out just exactly what the situation is and this may all be settled by one letter. Will you go along with that?"

Senator Knoblauch: "I would agree with Senator Foley that perhaps one letter could decide whether there is a possibility of the state of Washington having a national cemetery. I do not say that we have to go out and spend a lot of money but I want to explore the possibility of establishing a national cemetery in this state and I would agree that perhaps one letter could decide whether there is a possibility of such a national cemetery being established."

#### MOTION

On motion of Senator Knoblauch, Senate Resolution 1971-9 was ordered held until February 12, 1971 pending the exchange of letters between the Legislative Budget Committee and federal agencies involved.

#### POINT OF INQUIRY

Senator Wilson: "Would Senator Foley yield to a question? Senator, I am sure this is, as Senator Newschwander indicated, the first in an unending procession of resolutions which will call upon the legislative budget committee to study this and that."

"I wonder if you could explain to me when does the budget request to finance the operations of the legislative budget committee become formulated? Do you try late in the session to estimate how much it is going to cost to fulfill the intent of all of these resolutions or do you have a fixed budget and simply try to do with them as best you can?"

"In essence, I am asking each time we pass a resolution calling upon the legislative budget committee to study something, we are adding X amount of dollars to an appropriation request which will be coming along eventually?"

Senator Foley: "We would attempt to perform all resolutions that this body may have, some of them we have found utterly impossible to do in one year or even in two years and have had to come back to this body and request additional time to carry on the particular study

"Our budget is already in and has been for some time and is in your book. We try to do within that budget, and we have so far this biennium, practically everything that has been requested. We have not arrived at total conclusions as yet on some of the matters and are going to ask that they be carried over for two years because the study could not possibly have been done with the limited amount of staff but we have already requested the amount.

"At the end of the session, if the load gets too heavy, we ask that more money be placed in the budget by the free conference committee. Does that explain?"

Senator Wilson: "Yes, thank you "

#### MOTION

On motion of Senator Day, Senator Woodall was excused.

#### SECOND READING

SENATE BILL NO. 103, by Senators Metcalf, Ridder and Odegaard (by Joint Committee on Education request):

Providing certain health measures relating to common schools

#### MOTIONS

On motion of Senator Metcalf, there being no objection, Senate Bill No. 103 was referred to the Committee on Education

On motion of Senator Washington, Senate Bill No. 49 was ordered to hold its place on the second reading calendar for Monday February 8, 1971

SENATE BILL NO. 157, by Senators Talley, Knoblauch and Whetzel (by departmental request)

Providing certain changes in the law relating to the mentally ill

#### MOTIONS

On motion of Senator Talley, there being no objection, Senate Bill No. 157 was referred to the Committee on Public Institutions

On motion of Senator Stender Senate Concurrent Resolution No. 3 was ordered held for the third reading calendar Monday, February 8, 1971

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

It was moved by Senator Fleming that the appointment of GEORGE W HOLIFIELD to the position of member of the State Personnel Board be now confirmed.

The motion carried.

#### CONFIRMATION OF GEORGE W HOLIFIELD

The Secretary called the roll and the appointment of GEORGE W HOLIFIELD was confirmed by the following vote: Yeas, 39, absent or not voting, 1; excused, 9

Voting yeas: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donehue, Dore, Eucker, Fleming, Foley, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Metcalf, Murray,

Newschwander, Odegaard, Peterson (Lowell), Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson—39

Absent or not voting. Senator Day—1

Excused Senators Durkan, Francis, Gardner, Gissberg, McDougall, Peterson (Ted), Ridder, Whetzel, Woodall—9.

It was moved by Senator Atwood that the reappointment of DONALD G. HANSEY to the position of member of the Washington State Aeronautics Commission be now confirmed.

#### POINT OF INQUIRY

Senator Odegaard: "Would Senator Atwood yield to a question? Senator, I have nothing against Mr. Hansey. I think he is well qualified, but would there be a constitutional question since he is a legislator?"

Senator Atwood: "None."

Senator Odegaard: "Why I ask is that I was on a state advisory committee and when the 1970 special session enacted the state employees' health insurance board, I was told that I could not serve because I was a legislator so the Representative on the committee and myself became ex officio members."

Senator Atwood: "The reason for that is that was a newly created body. This has been a long-standing commission and was not created by the legislature itself. You were a member of the body that created that commission and that was the reason you could not serve as a member of it."

"Here we have in the past had several legislators that served as members of boards of trustees. Dave Sprague, a former House member is on the board of Western Washington State College, as was Don Eldridge. This has been checked out and there is no constitutional conflict at all."

The motion carried.

#### CONFIRMATION OF DONALD G. HANSEY

The Secretary called the roll and the appointment of DONALD G. HANSEY was confirmed by the following vote: Yeas, 40, excused, 9.

Voting yeas: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Eicker, Fleming, Foley, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson—40.

Excused: Senators Durkan, Francis, Gardner, Gissberg, McDougall, Peterson (Ted), Ridder, Whetzel, Woodall—9.

#### MOTION

At 12:20 p.m., on motion of Senator Greive, the Senate adjourned until 12:00 noon, Monday, February 8, 1971.

JOHN A. CHERBERG, President of the Senate  
SIDNEY R. SNYDER, Secretary of the Senate.

# TWENTY-NINTH DAY

## NOON SESSION

Senate Chamber, Olympia, Wash., Monday, February 8, 1971

The Senate was called to order at 12 00 noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Gissberg and Whetzel. On motion of Senator Keefe, Senator Gissberg was excused. On motion of Senator McDougall, Senator Whetzel was excused.

The Color Guard, consisting of Pages Gary M. Ellis, Eagle Scout, Chief Seattle Council, Color Bearer, and Scott Toyada, Eagle Scout, Pasco Blue Mountain Council, presented the Colors. Stephen Hubbard, Eagle Scout, Vancouver Columbia Pacific Council, offered prayer as follows:

"Please be with us, dear God, and guide us during this session and help us to fulfill our duties as entrusted in us by the people we represent. We thank You for the privilege of being citizens of our great Nation and the state of Washington and we ask for Your guidance so we can fulfill our duties as citizens. Finally, Lord, we thank You for being alive because even with the busy things that happen in this world, it is still a great place to live as long as we live with Christ. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## PRESIDENT'S PRIVILEGE

"In the south gallery are a number of Eagle Scouts who have come to Olympia from all parts of the state. These fine upstanding young citizens are here to give their annual report to Governor Evans.

"Representing this particular group of Eagle Scouts is a young man from Centralia, Eagle Scout Craig Kline, who represents the Tumwater Area Council. At this time with the permission of the Senate, the President should like to present Eagle Scout Craig Kline."

## REMARKS BY EAGLE SCOUT KLINE

"Mr. President, members of the Senate, I feel it a great honor and privilege to speak to you this morning. When I was asked to speak, I thought of one major area of boy scouting that we are undertaking within this year and in the past our environment. The environment, what is it? It actually is the total surroundings of an individual and it involves every human being on the face of this earth. It is something that never leaves your side, whether you are on the bottom of the ocean, in a cave in the middle of the earth, or on the top of the highest peak in the United States, the environment is present. It is not something of the past, something you can throw out the window because outside of that window is the environment. Mars has an environment, the moon has an environment, and the earth has an environment. Who controls the environment? Man. And man being the largest consumer on earth can alter the environment in many ways. One of his most popular methods is through the use of pollutants. Man fills our air with smoke and debris, clogs our waterways with wastes, alters our waterways for power. All of this man does solely for our society's domestic reform. Finally he is realizing what he is doing. He is taking away the necessary facilities with which we must maintain our existence and thus our sanity. Who will suffer because of man's illogical use of the environment? Man himself, and more than anyone else will be the youth. Consequently, youth play an important role in our environmental crisis, as is the Boy Scouts of America realize the problem exists and they have taken on a nationwide project for 1971. It is called Project SOAR—Save Our American Resources. The Boy Scouts of America, largely being members of the younger generation, realize there are many ways they as individuals can help solve the crisis. They can bring about a basic change in philosophy. They can become educated. Scouts will be taking on major projects all over the United States toward preserving our environment, not only our conservation environment but also our social and economic environment. We are not concerned solely



with the outdoors environment. We are concerned with the people's environment. Since 1928 the Boy Scouts have been concerned with the ghetto areas in the large cities. Recently we have recommitted ourselves to reaching these areas and having one-third of all boys in the United States a member of the Boy Scouts. In the Northwest, this will mean one out of every two boys. We also offer high school exploring programs, which does not only include boys but girls also. I would now like to read a poem I heard at last summer and it meant a lot to me. It brings about a feeling, and I hope you will like it as well. It is called Genesis. Last Chapter.

"In the end there was earth and that was with form and beauty and men dwelt upon the lands of the earth, the meadows and trees.  
And he said, "Let us build our dwellings in this place of beauty."  
And he built cities, and covered the earth with concrete and steel.  
And the meadows were gone, and man said, "It is good."  
Man looked upon the water of the earth and man said, "Let us put our waste in the waters, the dirt will be washed away."  
And man did and the waters became polluted and foul in their smell.  
And man said, "It is good."  
Man looked upon the forests of the earth and saw they were beautiful.  
And man said, "Let us cut the timber for our homes and grind the wood for our use."  
And man did and the lands became barren and the trees were gone.  
And man said, "That is good."  
On the fourth day man saw the animals were in abundance and ran in the field and played in the sun.  
And man said, "Let us cage these animals for our amusement and kill them for our support."  
And man did and there were no animals.  
And man said, "It is good."  
On the fifth day man breathed the air of the earth and man said, "Let us dispose of our wastes into the air and the wind shall blow them away."  
And man did and the air became filled with smoke and fumes and could not be blown away and the air became heavy with dust and choked and burned.  
And man said, "It is good."  
On the sixth day man saw himself, and seeing the many languages and tongues he feared and hated.  
And man said, "Let us build great machines and destroy them, lest they destroy us."  
And man built great machines and earth was fired with the rage of great wars and man said, "It was good."  
On the seventh day man rested from his labors and the earth was still.  
For no longer man dwelt upon the earth.  
And it was good."

And I say to you gentlemen, it isn't good. We must realize our shortcomings and set goals to overcome them. Our environment—what is it worth? We had better find out for ourselves now or we will never last until we do. Thank you very much."

#### PRESIDENT'S PRIVILEGE

The President: "Thank you very much for your interesting and informative talk, Craig."

#### REPORTS OF STANDING COMMITTEES

January 27, 1971.

SENATE BILL NO. 40, establishing procedures relative to records of personal representatives (reported by Judiciary Committee);  
MAJORITY recommendation. Do pass as amended.  
Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Atwood, Clarke, Francis, Greive, Holman, Twigg, Walgren, Woodall.  
Passed to Committee on Rules and Joint Rules for second reading.

February 5, 1971.

SENATE BILL NO. 66, implementing law relating to education of all handicapped children (reported by Committee on Rules and Joint Rules)  
Which recommends be referred to the Committee on Ways and Means—Appropriations.  
Signed by: Senators Cherberg, Chairman; Andersen, Atwood, Bailey, Foley, Guess, Henry, Keefe, Knoblauch, Talley.  
There being no objection, Senate Bill No. 66 was referred to the Committee on Ways and Means—Appropriations.

February 4, 1971.

SENATE BILL NO. 141, permitting minors under fourteen to use firearms when properly supervised (reported by Judiciary Committee).

MAJORITY recommendation: Do pass as amended.  
Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Foley, Greive,  
Homan Twigg, Walgren, Woodall  
Passed to Committee on Rules and Joint Rules for second reading.

# MESSAGE FROM THE GOVERNOR

Office of the Governor, February 5, 1971.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON,  
GENTLEMEN

I have the honor to advise that on February 5 Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 312: Providing for emergency protection and restoration of highways.

Sincerely,  
RICHARD W. HEMSTAD  
Legal Assistant

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 419, by Senators Sandison, Homan, Mardesch, Lewis, Peterson (Ted), Matson, Dore, Woodall, Henry, Whetzel, Andersen, Keefe, McDougall, Stortini, Elcker, Newschwander, Cooney, Peterson (Lowell), Connor, Gissberg, Herr, Gardner, Washington, Fleming, Murray and Ridder (by Council on Higher Education request):

An Act relating to education, and authorizing a tuition supplement program for resident students attending certain institutions of higher education.

Referred to Committee on Higher Education and Libraries.

## MOTION

On motion of Senator Sandison, the rules were suspended and additional sponsors were added to Senate Bill No. 419

SENATE BILL NO. 420 by Senators Wilson and Canfield (by departmental request).

An Act relating to revenue and taxation, and amending section 84 48 010, chapter 15, Laws of 1961, as amended by section 2, chapter 55, Laws of 1970 ex. sess. and RCW 84 48 010

Referred to Committee on Ways and Means—Revenue and Taxation

SENATE BILL NO. 421, by Senators Mardesch and Gardner.

An Act relating to civil service in fire departments in cities and towns, amending section 1, chapter 31, Laws of 1935 and RCW 41 08.010, and amending section 9, chapter 31, Laws of 1935 and RCW 41.08.090.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 422, by Senator Bailey.

An Act relating to horse racing, abolishing the Washington horse race commission, repealing section 1, chapter 55, Laws of 1933, section 1, chapter 236, Laws of 1949, section 1, chapter 22, Laws of 1969 and RCW 67 16.010, repealing section 2, chapter 55, Laws of 1933, section 1, chapter 233, Laws of 1969 ex. sess. and RCW 67.16.012, repealing section 3, chapter 55, Laws of 1933 and RCW 67 16.015, repealing section 2, chapter 233, Laws of 1969 ex. sess. and RCW 67 16.017 repealing section 5, chapter 55, Laws of 1933 and RCW 67 16.040 repealing section 6, chapter 55, Laws of 1933 and RCW 67 16.050, repealing section 7, chapter 55, Laws of 1933 and RCW 67 16.060, repealing section 8, chapter 55, Laws of 1933 section 2, chapter 236 Laws of 1949 and RCW 67 16.070, repealing section 3, chapter 236 Laws of 1949, section 7, chapter 22, Laws of 1969 and RCW 67 16.080; repealing section 4, chapter 236, Laws of 1949, section 3, chapter 22, Laws of 1969 and RCW 67 16.090, repealing section 9, chapter 55, Laws of 1933, section 30, chapter 182, Laws of 1935, section 4, chapter 48, Laws of 1941, section 2, chapter 34, Laws of 1947,

section 5, chapter 106, Laws of 1955, section 7, chapter 148, Laws of 1965 and RCW 67.16.100, repealing section 3, chapter 233, Laws of 1969 ex. sess. and RCW 67.16.102; repealing section 11, chapter 55, Laws of 1933 and RCW 67.16.110; repealing section 2, chapter 94, Laws of 1969 ex. sess. and RCW 67.16.130, and repealing section 10, chapter 55, Laws of 1933 and RCW 67.16.900.

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO. 423, by Senators Mardesich, Newschwander and Atwood

An Act relating to state government, amending section 43.09.050, chapter 8, Laws of 1965 and RCW 43.09.050; amending section 43.88.160, chapter 8, Laws of 1965 as amended by section 49, chapter 8, Laws of 1967 ex. sess. and RCW 43.88.160; and adding a new section to chapter 44.28 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 424, by Senators Dore, Donohue, Durkan, Knoblauch, Day, Huntley, Odegard and Peterson (Ted)

An Act relating to revaluation of property; and adding a new section to chapter 84.41 RCW.

Referred to Committee on Ways and Means—Revenue and Taxation

#### MOTION

On motion of Senator Donohue, the rules were suspended and additional sponsors were added to Senate Bill No. 424.

SENATE BILL NO. 425, by Senators Tailey, Donohue and Atwood

An Act relating to fish, providing fees for supplemental steelhead seals; and amending section 1, chapter 17, Laws of 1969 ex. sess. and RCW 77.32.031.

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 426, by Senator Wilson.

An Act relating to state parks and recreation.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

SENATE BILL NO. 427, by Senators Canfield, Jolly and Matson.

An Act relating to revenue and taxation, and amending section 10, chapter 146, Laws of 1967 ex. sess. and RCW 84.40.045.

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 428, by Senators Canfield, Greive, Day and Lewis:

An Act relating to the public welfare, providing for a Model Litter Control Act, amending section 46.56.135, chapter 12, Laws of 1961 as amended by section 1, chapter 52, Laws of 1965 ex. sess. and RCW 46.61.655, repealing section 1, chapter 36, Laws of 1909, section 1, chapter 73, Laws of 1931, section 49, chapter 281, Laws of 1969 ex. sess. and RCW 9.61.120, repealing section 2, chapter 85, Laws of 1967 and RCW 9.66.060, repealing section 3, chapter 85, Laws of 1967, section 50, chapter 281, Laws of 1969 ex. sess. and RCW 9.66.070, repealing section 2, chapter 52, Laws of 1965 ex. sess., section 51, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.650, and providing penalties.

Referred to Committee on Commerce and Regulatory Agencies

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 428.

SENATE BILL NO. 429, by Senators Stortini, Stender, Greive and Dore (by Public Employees' Collective Bargaining Commission).

An Act relating to public employees' collective bargaining, amending section 3, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.030, amending section 6, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.060, amending section 7, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.070; and adding new sections to chapter 41.56 RCW.

Referred to Committee on Labor and Industrial Insurance.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 429.

SENATE BILL NO. 430, by Senators Walgren, Andersen and Newschwander:

An Act relating to firearms, amending section 4, chapter 172, Laws of 1935, as amended by section 3, chapter 124, Laws of 1961 and RCW 9 41 040, and amending section 7, chapter 172, Laws of 1935 as amended by section 6, chapter 124, Laws of 1961 and RCW 9 41 070.

Referred to Judiciary Committee

SENATE BILL NO. 431, by Senators Andersen, Walgren, Odegaard and Newschwander (by departmental request):

An Act relating to crimes and punishments, amending section 13, chapter 133, Laws of 1955 as last amended by section 2, chapter 98, Laws of 1969 and RCW 9 95 120, amending section 9, chapter 133, Laws of 1955 as amended by section 1, chapter 106, Laws of 1961 and RCW 9 95 080, adding new sections to chapter 9 95 RCW, and repealing section 6, chapter 133, Laws of 1955 and RCW 9 95 050

Referred to Judiciary Committee

SENATE BILL NO. 432, by Senators Walgren, Andersen and Newschwander.

An Act relating to crimes and criminal procedure; amending section 2, chapter 79, Laws of 1969 ex sess and RCW 9 40 110; amending section 3, chapter 79, Laws of 1969 ex sess and RCW 9 40 120; amending section 4, chapter 79, Laws of 1969 ex sess and RCW 9 40 130; amending section 12, page 78, Laws of 1854 as last amended by section 1, chapter 112, Laws of 1919 and RCW 9 48 030; amending section 18, chapter 137, Laws of 1969 ex sess as amended by section 3, chapter 72, Laws of 1970 ex sess and RCW 70 74 135; amending section 400, chapter 249, Laws of 1909 as last amended by section 23, chapter 137, Laws of 1969 ex sess, and RCW 70 74 270; amending section 401, chapter 249, Laws of 1909 as amended by section 24, chapter 137, Laws of 1969 ex sess and RCW 70 74 280; prescribing penalties, and declaring an emergency.

Referred to Judiciary Committee

SENATE BILL NO. 433, by Senators Walgren, Andersen and Newschwander:

An Act relating to rewards, amending section 1, page 124, Laws of 1886 and RCW 10 85 030, and adding new sections to chapter 10 85 RCW

Referred to Judiciary Committee

SENATE BILL NO. 434, by Senators Walgren, Andersen and Newschwander.

An Act relating to identification of individuals; creating a division of criminal identification within the department of social and health services, repealing sections 1 through 6, chapter 256, Laws of 1969 ex sess and RCW 72 50 120 through RCW 72 50 170; and prescribing penalties.

Referred to Judiciary Committee

SENATE BILL NO. 435, by Senators Walgren, Andersen and Newschwander

An Act relating to emergency vehicle equipment, amending section 46 37 187, chapter 12, Laws of 1961 and RCW 46 37 187, amending section 46 37 190, chapter 12, Laws of 1961 as last amended by section 5, chapter 100, Laws of 1970 ex sess, and RCW 46 37 190; and repealing section 46 37 185, chapter 12, Laws of 1961 and RCW 46 37 185.

Referred to Judiciary Committee

SENATE BILL NO. 436, by Senators Walgren, Andersen and Newschwander:

An Act relating to juvenile courts; amending section 12, chapter 160, Laws of 1913 as last amended by section 1, chapter 58, Laws of 1959 and RCW 13 04 120, and prescribing penalties

Referred to Judiciary Committee

SENATE BILL NO 437, by Senators Andersen, Walgren and Newschwander:

An Act relating to crimes and criminal procedure, and amending section 2, chapter 132, Laws of 1945 and RCW 13.04.130  
Referred to Judiciary Committee.

SENATE BILL NO. 438, by Senators Walgren, Andersen and Newschwander:

An Act relating to criminal procedure, concerning search warrants and arrest warrants; amending section 2, page 101, Laws of 1854 as last amended by section 1, chapter 83, Laws of 1969 and RCW 10.79.015, amending section 3, page 101, Laws of 1854 as last amended by section 969, Code of 1881 and RCW 10.79.020, amending section 181 part, page 262, Laws of 1854 as last amended by section 7 part, chapter 11, Laws of 1891 and RCW 10.07.060, and amending section 172, page 260, Laws of 1854 as last amended by section 1888, Code of 1881 and RCW 10.04.010.

Referred to Judiciary Committee.

SENATE BILL NO 439, by Senators Andersen, Walgren and Newschwander.

An Act relating to pawn brokers and second-hand dealers, amending section 232, chapter 249, Laws of 1909 and RCW 19.60.050, amending section 233, chapter 249, Laws of 1909 and RCW 19.60.063; adding new sections to chapter 249, Laws of 1909 and chapter 19.60 RCW; creating a new section; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO 440, by Senators Walgren, Andersen and Newschwander:

An Act relating to child abuse, and amending section 5, chapter 13, Laws of 1965 as amended by section 5, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.050

Referred to Judiciary Committee.

SENATE BILL NO. 441, by Senators Andersen, Walgren and Newschwander.

An Act relating to crimes and criminal procedure, creating a new section, defining crimes; and prescribing penalties.

Referred to Judiciary Committee.

#### MOTION

On motion of Senator Andersen the rules were suspended and the name of Senator Newschwander was added as an additional sponsor to Senate Bills Nos. 430 through 441

SENATE BILL NO. 442, by Senator Walgren:

An Act relating to bail, amending section 58, chapter 249, Laws of 1909 and RCW 10.19.010, and adding a new section to chapter 10.19 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 443, by Senator Walgren:

An Act relating to the board of prison terms, paroles, and probation, and adding a new section to chapter 9.95 RCW.

Referred to Committee on Public Institutions.

SENATE BILL NO 444, by Senators Scott, Francis and Murray (by executive request).

An Act relating to state government; creating a department of transportation and prescribing its general structure personnel powers, duties and functions, transferring to the jurisdiction of the department of transportation and/or the secretary of transportation certain powers, duties and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the department of motor vehicles, the state traffic safety commission, the canal commission, the utilities and transportation commission, and the urban arterial board, transferring to the jurisdiction of the secretary of transportation certain powers duties and functions of certain state officials, boards and commissions, providing the procedure for the aforesaid transfers, saving certain

rights, abolishing certain state agencies and offices; renaming Title 47 RCW and adding certain code chapters thereto, amending section 47 01 050, chapter 13, Laws of 1961 and RCW 47 01 050, amending section 47 01 060 chapter 13, Laws of 1961 and RCW 47 01 060, amending section 47 01 070, chapter 3, Laws of 1961 and RCW 47 01 070, amending section 22, chapter 83, Laws of 1967 ex sess and RCW 47 26 160, amending section 47 56 030, chapter 13, Laws of 1961 as last amended by section 3, chapter 180, Laws of 1969 ex sess and RCW 47 56 030, amending section 47 56 070, chapter 13, Laws of 1961 and RCW 47 56 070, amending section 47 56 080, chapter 13, Laws of 1961 and RCW 47 56 080, amending section 47 56 090, chapter 13, Laws of 1961 and RCW 47 56 090, amending section 47 56 120, chapter 3, Laws of 1961 and RCW 47 56 120, amending section 47 56 245, chapter 13, Laws of 1961 as amended by section 53 chapter 170, Laws of 1965 ex sess and RCW 47 56 245, amending section 47 56 250, chapter 13, Laws of 1961 and RCW 47 56 250 amending section 3 chapter 257, Laws of 1961 and RCW 47 56 254, amending section 4, chapter 165, Laws of 1947 as last amended by section 2, chapter 68, Laws of 1967 and RCW 14 04 040, amending section 5, chapter 123, Laws of 1965 ex sess and RCW 91 12 050, amending section 3, chapter 147, Laws of 1967 ex sess as amended by section 1, chapter 105, Laws of 1969 ex sess and RCW 43 59 030, amending section 9, chapter 147, Laws of 1967 ex sess and RCW 43 59 080, amending section 1, chapter 147 Laws of 1967 ex sess and RCW 43 59 010, amending section 8, chapter 47, Laws of 1967 ex sess and RCW 43 59 070, amending section 14 chapter 147, Laws of 1967 ex sess and RCW 43 59 130, amending section 20, chapter 83, Laws of 1967 ex sess as amended by section 3 chapter 171, Laws of 1969 ex sess and RCW 47 26 140, amending section 1, chapter -- (HB No 97), Laws of 1971 and RCW 43 17 011, amending section 2, chapter -- (HB No 97), Laws of 1971 and RCW 43 17 020, adding new sections to Title 46 RCW, adding new sections to chapter 13 Laws of 1961 and to chapter 47 01 RCW, adding new sections to Title 47 RCW, adding a new section to chapter 14 04 RCW, adding new sections to chapter 43 59 RCW, adding a new section to chapter 1, Laws of 1961 and to chapter 41 06 RCW, repealing section 3, chapter 165, Laws of 1947 as amended by section 1, chapter 68 Laws of 1967 and RCW 14 04 030, repealing sections 4 and 7, chapter 147, Laws of 1967 ex sess and RCW 43 59 040 and 43 59 060, repealing section 1, chapter 156 Laws of 1965 and RCW 46 11 010, repealing section 2, chapter 156, Laws of 1965 and RCW 46 01 020, repealing section 9, chapter 156, Laws of 1965 and RCW 46 01 091, repealing section 47 01 010, chapter 13 Laws of 1961 and RCW 47 01 010, repealing sections 47 01 080 and 47 01 090, chapter 13, Laws of 1961 and RCW 47 01 080 and 47 01 090, repealing section 47 01 030 chapter 13, Laws of 1961 as amended by section 1, chapter Laws of 1965 ex sess and RCW 47 01 030, repealing section 47 01 090, chapter 13, Laws of 1961 and RCW 47 01 090, repealing section 47 01 080, chapter 13, Laws of 1961 and RCW 47 01 080, repealing section 47 01 100, chapter 13, Laws of 1961 and RCW 47 01 100, repealing section 47 01 110, chapter 13, Laws of 1961 and RCW 47 01 110, repealing section 47 01 120 chapter 13, Laws of 1961 and RCW 47 01 120 repealing section 47 01 130, chapter 13 Laws of 1961 as amended by section 10, chapter 367, Laws of 1961 and RCW 47 01 130, repealing section 47 01 160, chapter 13, Laws of 1961 as amended by section 29, chapter 170, Laws of 1965 ex sess and RCW 47 01 160, repealing section 2 chapter 123 Laws of 1965 ex sess and RCW 91 12 020, repealing section 7 chapter 123, Laws of 1965 ex sess as amended by section 1 chapter 36, Laws of 1967 and RCW 91 12 030, repealing section 4, chapter 123, Laws of 1965 ex sess and RCW 91 12 040; and providing an effective date.

Referred to Committee on State Government.

SENATE JOINT MEMORIAL NO 5, by Senators Woodall, Bailey, Matson McDougall and Canfield

Requesting the federal government to assume greater obligation for certain welfare programs.

Referred to Committee on Public Institutions.

#### MOTION

On motion of Senator Woodall the rules were suspended and the names of Senators M. Dougall and Canfield were added as additional sponsors to Senate Joint Memorial No 5

SENATE CONCURRENT RESOLUTION NO. 6, by Senators Canfield, Durkan, Foley, Odegaard and Knoblauch.

Providing for study with recommendations for improvement of state's tax structure by legislative budget committee.

Referred to Committee on Ways and Means—Revenue and Taxation.

#### MOTION

On motion of Senator Canfield, the rules were suspended and the names of Senators Odegaard and Knoblauch were added as sponsors of Senate Concurrent Resolution No. 6

SENATE CONCURRENT RESOLUTION NO. 7, by Senators Canfield, Durkan and Gardner

Providing for a study of what constitutes "ample provision for education" by legislative budget committee and recommended measures to assure such financing

Referred to Committee on Education.

The Senate resumed consideration of Senate Resolution 1971-10, the Point of Order by Senator Woodall and the following amendment by Senators Atwood and Andersen that was moved by Senator Atwood for adoption on February 5, 1971

On page 296 of the 1969 Senate Rules, as amended, after Rule 72, add a new rule to be known as Rule 73

#### "VOTE ON REPORTING BILLS FROM STANDING COMMITTEES

NEW RULE 73. On any motion to report out a measure from any standing committee other than Rules and Joint Rules which fails for want of a majority favoring, one-third of the members of such committee may demand that the vote be recorded and entered in the Journal of the Senate."

#### RULING BY THE PRESIDENT

The President: "The President in ruling on the point of order presented by Senator Woodall, the President finds that the amendment by Senators Atwood and Andersen requires a standing committee to record a vote by which a motion to remove a measure from the committee failed. The amendment referred to by Senator Woodall, previously adopted requires the standing committees to have open meetings unless decided otherwise by a vote of a majority of the committee. Therefore, the President rules that the point of order is not well taken."

Debate ensued

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, I would like to make an inquiry of Senator Atwood, Senator, Rule 47 states that a bill that has a majority, do pass, do pass as amended, without recommendation, or do not pass. It then comes out of committee and is read in and I judge it would then go to the rules committee,

"Now I am not opposing your amendment but I am wondering about the mechanics of it. If a bill fails in committee, does this mean that every bill that fails in committee and a roll call vote is taken that bill then comes out to the Senate floor even though it failed in committee and then goes to the rules committee? We have a calendar maybe three or four pages long with do not pass recommendations in the rules committee. Is this your intention?"

Senator Atwood, "Senator Bailey, I believe it does not. I think when it fails to get out of committee at all, this new Rule 73 we are proposing would be applicable. Rule 47 is in regard to bills that the committee wants to report out and they want to make a recommendation. I think if the majority of a committee wanted a bill out with a do not pass recommendation that they would have to take that particular action. I think even under my rule the bill would still stay in committee because they would, in effect, be voting the bill down in committee, not making any recommendation on it except that the majority was not in favor of it."

Further debate ensued.

# POINT OF INQUIRY

Senator Durkan: "Would Senator Atwood yield? Senator, let me ask you a question on this. If the bill is not ready to be considered by the committee would it, under your proposal, one-third of the members could move and require a vote on a bill that is not even before the committee for consideration?"

Senator Atwood: "In answer to your question, it depends upon what the rules of the particular standing committee are. If the chairman does not have the bill before him, I do not think the motion would be in order."

Senator Durkan: "Not only that but I can see where we could become a committee by minority rule. One-third of the members of a committee could determine that they wanted to bring up any bill any time without any consideration and get a vote on it."

Senator Atwood: "That is not what this does, nor does this say that. I might point out it also has been phrased in terms of one-third of the members, not one-third of the members present, which is a big distinction as you well know. It might be quite difficult on a small committee to get one-third of the members present."

Further debate ensued

# POINT OF INQUIRY

Senator Dore: "Would Senator Atwood yield to a few questions? As I understand it now under the rules as they exist and been adopted, if we have a majority vote it passes in a committee, under your rule there is no right for a further demand to be placed in the journal. The measure must fail, is that right?"

Senator Atwood: "That is correct. There is no point in recording everything because when a bill comes out it has a majority."

Senator Dore: "In other words, the only thing you put in the journal then are measures that fail?"

Senator Atwood: "Where there has been a demand for a recording."

Senator Dore: "Why wouldn't it be equally as fair to put in the vote in the committee where it passes because that is not allowed in the journal now. You are allowing just one side. It seems like you should amend it and put both in."

Senator Atwood: "I agree, but in order to cut down on the use of this, we do have a record already on bills that will come out, a majority must sign."

# POINT OF INQUIRY

Senator Stender: "A question, Senator Atwood, Senator, in practical application, many times both you and I have experienced occasions when we could not go to a particular standing committee meeting because of conflict and perhaps many times because of a meeting of the rules committee. Now if the bill failed to come out of committee, what would your vote or my vote be on that occasion when we were not present? Would our vote be considered as for or against?"

Senator Atwood: "It would be unknown."

Senator Stender: "How will you record it? What value would this be then?"

Senator Atwood: "You wouldn't. You would have to be there to vote and that is why on controversial measures I think this should be available. It is not going to be used too often but on controversial measures where there is almost a full committee present, it is something that the minority who want the bill out of committee can put people on record."

Senator Stender: "One further question. In the highways committee, Senator Washington has a different kind of a rule than we have in other committees. Senator Washington's rules of order are known as he has nine people who can vote bills up or down. They can all come, do not misunderstand me, but many times there are only nine there. If five of those nine members voted to not recommend a measure, then what shape, if this amendment were adopted, are the rules in then?"

Senator Atwood: "None. He would have to have one-third of his entire committee. There are twenty-six members so you would have to have at least nine votes to get this matter recorded."

Senator Stender: "How would you record them? If there are twenty-six members and only nine were present, how would you record the others and what value would there be in having them recorded?"

Senator Atwood: "You could not, if there were only nine members present."

Further debate ensued

# MOTION

On motion of Senator McDougall, Senator Murray was excused

Senator Mardesch moved adoption of the following amendment to the amendment by Senators Atwood and Andersen



Strike the amendment by Senators Atwood and Andersen adding New Rule 73 and insert

"When a bill has been presented to a standing committee, other than Rules and Joint Rules, if a motion to report out fails for want of a majority favoring, one-third of the members of such committee may demand that the vote be recorded and filed with the Secretary of the Senate who shall preserve such record for a period of four years."

Debate ensued

#### POINT OF INQUIRY

Senator Woodall: "Will Senator Mardesich yield? Senator, would you consider adding to that amendment that any member can then file with the Secretary of the Senate his reasons for doing what he did on a particular day?"

Senator Mardesich: "I have no objection to that. I think you have that prerogative even today."

The motion by Senator Mardesich carried and the amendment to the amendment by Senators Atwood and Andersen was adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the amendment by Senators Atwood and Andersen as amended by Senator Mardesich

The amendment as amended was adopted on a rising vote.

There being no objection, the amendment to Senate Resolution 1971-10 to Rule 10 proposed by Senator Slender on Thursday, February 4, 1971 was withdrawn.

The Senate resumed consideration of the following amendment to Rule 28 of Senate Resolution 1971-10 as proposed by Senator Washington on Thursday, February 4, 1971 and moved for adoption on that day.

On page 2, after Rule 27, insert the following

On page 281 of the 1959 Legislative Manual, amend Rule 28 to read as follows:

"Rule 28. No standing rule or order of this senate shall be rescinded or changed without a [vote of two thirds] majority vote of the members, and seven day's notice of the motion thereof: PROVIDED, Adoption of permanent rules may be by simple majority without notice, but a rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present. When the suspension of a rule is called, and after due notice from the president, no objection is offered, he may announce the rule suspended, and the senate may proceed accordingly."

Debate ensued

The President declared the question before the Senate is the adoption of the amendment as proposed by Senator Washington.

Senator Washington demanded a roll call and the demand was sustained by Senators McDougall, Metcalf, Andersen, Bailey, Fleming, Greive, Clarke, Matson, Cooney and Keefe

#### ROLL CALL

The Secretary called the roll and the amendment to Senate Resolution 1971-10 was adopted by the following vote: Yeas, 25, nays, 21; excused, 3.

Voting yea: Senators Bailey, Connor, Cooney, Dore, Durkan, Fleming, Foley, Francis, Greive, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson - 25

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Day, Dunohue, Elcker, Gardner, Guess, Henry, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Newschwander, Scott, Slender, Twigg, Woodall - 21

Excused Senators Gisberg, Murray, Whetzel - 3.

The President declared the question before the Senate to be the adoption of Senate Resolution 1971-10 as amended

The motion by Senator Greive carried and the resolution as amended was adopted

On motion of Senator Greive, the temporary rules of the Senate, as amended, were adopted as the permanent rules of the forty second regular session of the legislature.

#### MOTION

At 1 10 p.m., on motion of Senator Greive, the Senate recessed until 2 00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.  
 Senators Greive, Atwood and Walgren demanded a Call of the Senate.  
 A Call of the Senate was ordered

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber.  
 The Secretary called the roll on the Call of the Senate, all members being present except Senator Gissberg who had previously been excused.  
 On motion of Senator Greive, the Senate proceeded under the Call of the Senate

SECOND READING

SENATE JOINT RESOLUTION NO. 5, by Senators Walgren, Twigg, Keefe, Bailey and Atwood (by Municipal Committee request):  
 Authorizing lotteries.  
 The resolution was read the second time in full  
 On motion of Senator Walgren, the rules were suspended, Senate Joint Resolution No. 5 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage  
 Debate ensued  
 Senators Keefe, Dore and Ridder demanded the previous question and the demand was sustained

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 5, and the resolution passed the Senate by the following vote: Yeas, 39, nays, 9, excused, 1  
 Voting yea: Senators Anderson, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Ebker, Fleming, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Newschwander, Oddegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Startini, Talley, Twigg, Walgren, Wilson, Woodall 39  
 Voting nay: Senators Canfield, Durkan, Foley, Huntley, Mercall, Murray, Scott, Washington, Whetzel-9.  
 Excused: Senator Gissberg-1.

SENATE JOINT RESOLUTION NO. 5, having received the constitutional two-thirds majority, was declared passed

MOTIONS

On motion of Senator Greive, the Senate dispensed with the Call of the Senate  
 At 2:50 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Tuesday, February 9, 1971.  
 JOHN A. CHERBERG President of the Senate.  
 SIDNEY R. SNYDER, Secretary of the Senate

## THIRTIETH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, February 9, 1971.

The Senate was called to order at 11 00 a.m. by President Chorberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Gissberg and McCutcheon. On motion of Senator Keefe, Senators Gissberg and McCutcheon were excused.

The Color Guard, consisting of Pages Mike Dalen, Color Bearer, and Linda Pomeroy, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered prayer as follows.

"Eternal God and Father who bring to pass Your purposes on earth through human agency, bless with creative insight the Senators at their work. Give them a sense of serving a Higher Power that they may successfully avoid the danger of being enslaved by a lesser one. Help them to weigh carefully the propaganda of pressure groups who, not waiting for the world to beat a path to their door but ranging through hall and corridor, insist that they alone have, not a better but the only mousetrap, Amen."

On motion of Senator Grieve, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

February 8, 1971.

SENATE BILL NO. 116, providing for the establishment of harbor lines beyond present limits (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Donohue, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

February 8, 1971.

SENATE BILL NO. 142, authorizing the director of fisheries to permit fish farming (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: That Substitute Senate Bill No. 142 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Donohue, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

February 8, 1971.

SENATE BILL NO. 333, establishing per diem and travel allowances for the game commission (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Atwood, Day, Elcker, Gardner, Henry, Jolly, Lewis, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.

February 9, 1971.

SENATE BILL NO. 363, providing for acquisition of property by public agencies (reported by Committee on Highways):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Donohue, Elcker,

Guess, Huntley, Jolly, Knoblauch, McDougall, Mardesich, Matson, Murray, Peterson (Lowell), Scott, Stender, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

February 8, 1971.

HOUSE BILL NO. 27 increasing the state treasurer's faithful performance bond (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by Senators Walgren, Chairman, Atwood, Day, Ellicker, Gardner, Henry, Jolly, Lewis, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.

February 8, 1971.

HOUSE BILL NO. 28, placing assistant and deputy state treasurers under state's blanket performance bond (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by Senators Walgren, Chairman, Atwood, Day, Ellicker, Gardner, Henry, Jolly, Lewis, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.

February 8, 1971.

HOUSE BILL NO. 29, allowing investment of state treasury surplus moneys in certain government sponsored corporations (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by Senators Walgren, Chairman, Atwood, Day, Ellicker, Gardner, Henry, Jolly, Lewis, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.

February 8, 1971.

ENGROSSED HOUSE BILL NO. 30, changing from monthly to annually the frequency for distribution of overload fines to counties, cities and towns (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by Senators Walgren, Chairman, Atwood, Day, Ellicker, Gardner, Henry, Jolly, Lewis, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.

February 8, 1971.

HOUSE BILL NO. 130, authorizing the state treasurer to cash certain checks for state officers and employees (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by Senators Walgren, Chairman, Atwood, Day, Ellicker, Gardner, Henry, Jolly, Lewis, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 445 by Senators Matson, Jolly, McDougall and Huntley

An Act relating to labor relations and practices; enacting the "Washington State Agricultural Labor Relations Act", creating new sections, prescribing penalties; and declaring an emergency.

Referred to Committee on Agriculture and Horticulture.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 445

SENATE BILL NO. 446, by Senators Donohue, Henry, Jolly, Talley, Day, Peterson (Lowell), Bailey, Twigg, Canfield, Walgren, Mardesich, Odegaard, Wilson, Washington and Huntley:

An Act relating to custom meat facilities handling meat for household consumers; amending section 37, chapter 145, Laws of 1969 ex sess. and RCW 16.49A 370; creating new sections; and declaring an emergency.

Referred to Committee on Agriculture and Horticulture.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 446

**SENATE BILL NO 447, by Senators Gissberg, Andersen and Greive:**

An Act relating to the judiciary; providing for court of appeals reports; amending section 1, chapter 185, Laws of 1943 and RCW 2 32 160; amending section 3, chapter 150, Laws of 1941 and RCW 40 04 030, amending section 6, chapter 150, Laws of 1941 and RCW 40 04 100, and amending section 7, chapter 150, Laws of 1941 and RCW 40 04 110.

Referred to Judiciary Committee

**SENATE BILL NO 448, by Senators Gissberg, Dore, Greive and Andersen**

An Act relating to the budget and accounting system, providing for the inclusion of budget estimates of the court of appeals, and amending section 43.88 090, chapter 8, Laws of 1965 and RCW 43 88 090

Referred to Committee on Ways and Means—Appropriations.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No 448

**SENATE BILL NO 449, by Senators Gissberg, Andersen, Dore and Greive**

An Act relating to the judiciary, amending section 7, page 36, Laws of 1909 and RCW 2 04 030, amending section 1, part, chapter 151, Laws of 1903 as last amended by section 1, chapter 51, Laws of 1951 and RCW 2 32 070, amending section 29, chapter 61, Laws of 1893 as amended by section 1, chapter 86 Laws of 1941 and RCW 4 88 260, amending section 80 04 190, chapter 14, Laws of 1961 and RCW 80 04 190, amending section 81 04 190, chapter 14, Laws of 1961 and RCW 81 04 190; and adding a new section to chapter 2.06 RCW

Referred to Judiciary Committee

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 449.

**SENATE BILL NO 450, by Senators Guess, Keefe and Henry**

An Act relating to motor vehicles, amending section 46 44 097, chapter 12, Laws of 1961 and RCW 46 44 097; and prescribing penalties

Referred to Committee on Transportation.

**SENATE BILL NO 451, by Senators Mardesich, Walgren and Newschwander**

An Act relating to licensing of gas piping and gas appliance installation contractors, amending section 9, chapter 77, Laws of 1963 as last amended by section 3, chapter 126, Laws of 1967 and RCW 18 27 090, adding a new chapter to Title 19 RCW, providing penalties; and providing an effective date

Referred to Committee on Commerce and Regulatory Agencies.

**SENATE BILL NO 452, by Senator McDougall (by executive request):**

An Act relating to vessels and boating; defining crimes; prescribing penalties, adding a new chapter to Title 88 RCW, repealing section 1, chapter 72, Laws of 1933 and RCW 88 12 010 repealing section 2, chapter 72, Laws of 1933 and RCW 88 12 020, repealing section 3, chapter 72, Laws of 1933 and RCW 88 12 030 repealing section 4, chapter 72, Laws of 1933 and RCW 88 12 040, repealing section 5, chapter 72, Laws of 1933 and RCW 88 12 050, and repealing section 6, chapter 72, Laws of 1933 and RCW 88 12 060

Referred to Committee on Commerce and Regulatory Agencies.

**SENATE BILL NO 453, by Senators Ridder, Talley and Matson:**

An Act relating to rent, providing for default in rent of two hundred dollars or less, and amending section 1, chapter 188, Laws of 1941 and RCW 59 08 010

Referred to Judiciary Committee

**SENATE BILL NO 454, by Senator Francis**

An Act relating to prescription drugs; and amending section 2, chapter 28, Laws of 1939 and RCW 18.64 246

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

## SENATE BILL NO. 455, by Senator Francis

An Act relating to public assistance, and amending section 74 04 250, chapter 26 Laws of 1959 and RCW 74 04 250

Referred to Committee on Public Institutions.

## SENATE BILL NO. 456, by Senator Durkan (by State Auditor request)

An Act relating to state government, transferring certain statutory duties of the state auditor, amending section 4, page 322 Laws of 1890 as amended by section 1, chapter 38 Laws of 1955 and RCW 2 04 031, amending section 1, chapter 144, Laws of 1951 as last amended by section 1, chapter 127 Laws of 1965 ex sess and RCW 2 04 090, amending section 6 chapter 221 Laws of 1969 ex sess and RCW 2 06 060 amending section 1 chapter 229, Laws of 1937 as amended by section 1, chapter 221, Laws of 1943 and RCW 2 12 010, amending section 2 chapter 229 Laws of 1937 and RCW 2 12 020, amending section 6 chapter 229 Laws of 1937 as last amended by section 7 chapter 243, Laws of 1957 and RCW 2 12 060, amending section 2 page 331, Laws of 1890 and RCW 2 32 350, amending section 9 chapter 259, Laws of 1957 and RCW 2 56 090, amending section 4, chapter 213, Laws of 1955 and RCW 8 04 090, amending section 10, chapter 74, Laws of 1891 and RCW 8 04 160, amending section 2, page 284 Laws of 1877 as amended by section 1291 Code of 1881 and RCW 10 85 025, amending section 49, chapter 256, Laws of 1961 and RCW 15 65 490 amending section 8 chapter 152 Laws of 1919 and RCW 17 12 080, amending section 11, chapter 119, Laws of 1935 and RCW 27 08 010, amending section 28A 04 110 chapter 223, Laws of 1969 ex sess and RCW 28A 04 110, amending section 42, chapter 130 Laws of 1943 and RCW 38 24 010, amending section 1, chapter 70, Laws of 1947 and RCW 41 04 021, amending section 2, chapter 208, Laws of 1957 and RCW 41 04 036 amending section 1, page 6 Laws of 1890 and RCW 44 04 040 amending section 1, page 3, Laws of 1890 and RCW 44 04 050, amending section 1, page 10, Laws of 1890 and RCW 44 04 060, amending section 2, chapter 173, Laws of 1941 and RCW 44 04 090, amending section 47 01 160, chapter 13, Laws of 1961 as amended by section 29, chapter 170, Laws of 1965 ex sess and RCW 47 01 160, amending section 47 08 080, chapter 13, Laws of 1961 and RCW 47 08 080, amending section 47 08 090, chapter 13, Laws of 1961, and RCW 47 08 090, amending section 47 08 100, chapter 13, Laws of 1961 and RCW 47 08 100, amending section 47 56 050, chapter 13, Laws of 1961 and RCW 47 56 050, amending section 47 56 180, chapter 13, Laws of 1961 and RCW 47 56 180, amending section 47 58 040, chapter 13, Laws of 1961 as last amended by section 64, chapter 56, Laws of 1970 ex sess and RCW 47 58 040, amending section 47 60 060, chapter 13, Laws of 1961 as last amended by section 65, chapter 56, Laws of 1970 ex sess and RCW 47 60 060, amending section 51 40 040, chapter 23, Laws of 1961 and RCW 51 40 040; amending section 51 44 110, chapter 23, Laws of 1961 and RCW 51 44 110, amending section 1, chapter 4, Laws of 1953 ex sess as last amended by section 13, chapter 110 Laws of 1967 ex sess and RCW 70 32 021, amending section 15, chapter 197, Laws of 1949 as amended by section 11 chapter 252, Laws of 1959 and RCW 70 30 150, amending section 72 03 170, chapter 28, Laws of 1959 and RCW 72 03 170, amending section 74 08 370, chapter 26, Laws of 1959 and RCW 74 08 370, amending section 75 08 250, chapter 12 Laws of 1955 and RCW 75 08 250, amending section 77 12 390, chapter 36, Laws of 1955 and RCW 77 12 390, amending section 6, chapter 175, Laws of 1939 as last amended by section 1, chapter 49 Laws of 1951 and RCW 78 48 080, amending section 7, chapter 69, Laws of 1939 as last amended by section 43, chapter 257, Laws of 1959 and RCW 79 24 030, amending section 13, chapter 240, Laws of 1951 and RCW 86 26 110 amending section 3, chapter 105, Laws of 1929 as amended by section 1, chapter 209, Laws of 1939 and RCW 90 16 090, repealing section 6, chapter 58, Laws of 1933 ex sess section 11 chapter 38, Laws of 1955, section 10, chapter 259 Laws of 1957 and RCW 2 16 060, and repealing section 3, chapter 125, Laws of 1911 and RCW 76 04 040.

Referred to Committee on State Government.

## SENATE BILL NO. 457, by Senator Durkan (by State Auditor request)

An Act relating to state government, transferring certain statutory duties of the state auditor, amending section 29 07 140, chapter 9, Laws of 1965 and RCW 29 07 140;

amending section 1, chapter 223, Laws of 1949 and RCW 40 20 020, amending section 43 84 110, chapter 8, Laws of 1965 and RCW 43 84 110 amending section 47 24 010, chapter 13, Laws of 1961 and RCW 47 24 010, amending section 75 08 240, chapter 12, Laws of 1955 and RCW 75 08 240, amending section 82 36 410, chapter 15, Laws of 1961 and RCW 82 36 410, amending section 19, chapter 22, Laws of 1963 ex. sess. as amended by section 5, chapter 83, Laws of 1967 ex. sess. and RCW 82 37 190, amending section 82 40 290, chapter 15, Laws of 1961 as last amended by section 7, chapter 83, Laws of 1967 ex. sess. and RCW 82 40 290, amending section 84 08 050, chapter 15, Laws of 1961 and RCW 84 08 050 amending section 84 12 240, chapter 15, Laws of 1961 and RCW 84 12 240, amending section 84 16 032, chapter 15 Laws of 1961 and RCW 84 16 032, amending section 84 32 100, chapter 15, Laws of 1961 and RCW 84 32 100, amending section on 84 48 110, chapter 15 Laws of 1961 and RCW 84 48 110, repealing section 43 79 360, chapter 8, Laws of 1965 and RCW 43 79 360, and repealing section 77 04 070, chapter 36, Laws of 1955 and RCW 77 04 070

Referred to Committee on State Government.

SENATE BILL NO. 458, by Senators Day, Peterson (Ted), Francis, Cooney, Odegaard and Stender (by Urban Affairs Council request)

An Act relating to state government, establishing a hospital rate commission, adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 458.

SENATE BILL NO. 459, by Senator Francis.

An Act relating to cruelty to animals, prohibiting the hunting of privately owned animals, adding a new section to chapter 146, Laws of 1901 and to chapter 16.52 RCW, and defining crimes.

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 460, by Senator Francis:

An Act relating to wildlife amending section 77 12 030, chapter 36, Laws of 1955 as amended by section 2, chapter 18, Laws of 1969 ex. sess. and RCW 77 12 030, amending section 77 16 150, chapter 36, Laws of 1955 and RCW 77 16 150, and defining crimes

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 461, by Senators Fleming and Scott

An Act relating to intoxicating liquors and providing for the control and regulation thereof, amending section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 178, Laws of 1969 ex. sess. and RCW 66 24 010, amending section 1, chapter 5, Laws of 1949 (which added a new section 23 S 1 to chapter 62, Laws of 1933 ex. sess.) and RCW 66 24 400, and providing penalties.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 462, by Senator Fleming

An Act relating to firearms; limiting their use; adding new sections to chapter 9 41 RCW; and providing penalties.

Referred to Judiciary Committee.

SENATE JOINT RESOLUTION NO. 24, by Senator McDougall, Newschwander and Matson

Increasing the number of required signatures for initiatives and referendums and abolishing the initiative to the legislature.

Referred to Committee on Constitution, Elections and Legislative Processes.

There being no objection, the rules were suspended and additional sponsors were added to Senate Joint Resolution No. 24.

SENATE CONCURRENT RESOLUTION NO 8, by Senators Metcalf, Knoblauch and Durkan.

Requesting legislators to attend a candlelight service in the capitol rotunda in support of American prisoners of war

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Concurrent Resolution No 8 was advanced to second reading and read the second time in full.

#### REMARKS BY SENATOR METCALF

Senator Metcalf: "Thank you. Mr President, members of the Senate. We heard a speech regarding the plight of the prisoners of war two weeks ago. We then passed a memorial to Congress on this subject and I think that that was fitting and proper that we did at that time. In discussing this with some members of the Senate we felt that perhaps there was something more that we could do and if there is something more, anything more, that we can do in support of these men, then I think we should do it. Every bit of public support is important. We never know when the cumulative effect of all these efforts and expressions could result in a change of policy by their captors. Now as I say, I discussed this with several Senate and House members, I have discussed it with people outside the legislature, and I have found an enthusiastic response, a willingness to come here and spend just a few minutes, ten or fifteen minutes, as an expression of support. It is a very simple and a very beautiful and impressive ceremony. I am not going to give an emotional speech regarding the plight of the prisoners of war. We heard that. And I am sure we were all aware and concerned. I think we all feel frustrated that there is very little that we can do in support of these men in their plight. But this is a small thing and it is something that we can do. I urge your support of this resolution today and I hope that as many of you as find it possible will attend the candlelight service."

On motion of Senator Metcalf, the rules were suspended, Senate Concurrent Resolution No 8 was advanced to third reading, the second reading considered the third, the resolution was placed on final passage and adopted.

#### MOTION

On motion of Senator Metcalf, Senate Concurrent Resolution No. 8 was ordered immediately transmitted to the House.

SENATE CONCURRENT RESOLUTION NO 9, by Senators Durkan and Lewis  
Continuing the temporary forest tax committee.  
Referred to Committee on Ways and Means--Revenue and Taxation

On motion of Senator Durkan, the following resolution was adopted

#### SENATE RESOLUTION: 1971-11

By Senator Durkan

WHEREAS Serious economic conditions affect all portions of the State's economy,  
and

WHEREAS Cutbacks at the Boeing Airplane Company and at the Hanford Project have dealt the State severe economic blows, and

WHEREAS, Segments of the state's second largest industry, agriculture, also have suffered an economic downturn, especially in field crops, such as potatoes, and

WHEREAS Low prices have been such that producers in the major potato-growing area, the Columbia Basin, are faced with bankruptcy; and

WHEREAS Potato prices do not reflect even one-third of the cost of production to the grower; and

WHEREAS All potato-growing regions of Washington, Idaho, Oregon and Northern California have an oversupply of ten to fifteen percent above normal market needs, and

WHEREAS These regions all are competing in the same markets driving prices down even further; and

WHEREAS, Programs of the U. S. Department of Agriculture, through the Agricultural



Conservation and Stabilization Service, could be of vital assistance to Washington State potato producers, and

WHEREAS, Such programs could include a loan, to be advanced to growers on the ten to fifteen percent of their crop in oversupply, with the loan value based on ninety percent of crop parity, and

WHEREAS, Such loans, to be paid back by growers over a reasonable period of years, would enable eighty to ninety percent of the potato producers in the state to avoid bankruptcy, and pay the costs of their operating expenses for the 1970 crop;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF WASHINGTON, That the Honorable Clifford Hardin, U.S. Secretary of Agriculture immediately institute such a loan program to potato producers, and

BE IT FURTHER RESOLVED, That copies of this resolution be directed immediately to President Richard M. Nixon, Secretary of Agriculture Hardin, Governor Daniel J. Evans and State Director of Agriculture Don Moss, and the members of the congressional delegation from Washington State.

On motion of Senator Dore, the following resolution was adopted

#### SENATE RESOLUTION- 1971-12

By Senators Dore, Connor, Stortini, Peterson (Ted), Ridder, Fleming, Greive, Durkan, Anderson, Walgren, Henry, Holman and Clarke:

WHEREAS, On Sunday, February 7, at 5.00 P.M., a twenty-hour Telethon conducted on KIRO-TV concluded, and

WHEREAS, The noble purpose of this telethon was to raise funds to aid the Children's Orthopedic Hospital Variety Heart Clinic and the University Hospital's Birth Defects Center, and

WHEREAS, This colossal event was co-sponsored by KIRO-TV and the local Variety Club, Tent 46, and

WHEREAS, Lloyd Cooney, General Manager of KIRO-TV and Ralph Grossman, president of the local Tent 46 of the Variety Club, spent countless hours in the organization of this stupendous effort, and

WHEREAS, Many celebrities donated their valuable time to appear on the telethon and thousands of citizens volunteered their services to assist in this worthwhile endeavor, and

WHEREAS, KIRO-TV donated twenty hours of valuable network time so that the telethon could become a successful reality, and

WHEREAS, The tremendous success of this unique program is evident in that more than a quarter of a million dollars was raised for the deserving charitable beneficiaries, and

WHEREAS, The members of the Senate are proud of the way the citizens of the state of Washington responded to the telethon with generosity,

NOW, THEREFORE, BE IT RESOLVED, The members of the Senate do hereby extend their most sincere appreciation to KIRO-TV, its general manager, Mr. Lloyd Cooney, to the local Variety Club, Tent 46, and its chairman, Mr. Ralph Grossman, to all of the celebrities who appeared on the telethon, to all of the many individuals who donated their valuable time to insure the success of the telethon, and to the multitudes of citizens who so generously contributed to the funds for which the telethon was conducted,

BE IT FURTHER RESOLVED, That the Secretary of the Senate prepare copies of this Senate Resolution to be sent to KIRO-TV and to the Variety Club, Tent 46.

#### SECOND READING

SENATE BILL NO 49, by Senators Washington, Henry and Huntley (by departmental request).

Providing certain changes in the regulation of motor vehicle wreckers.

#### REPORT OF STANDING COMMITTEE

January 27, 1971.

SENATE BILL NO. 49, providing certain changes in the regulation of motor vehicle wreckers (reported by Committee on Highways).

MAJORITY recommendation: Do pass with the following amendments:

On page 8, section 8, line 11, after "may" and before "by order" insert " pursuant to the provisions of chapter 34.04 RCW,"

On page 8, section 8, subsection 5, line 26, after "chapter" and before "relating" strike "and the provisions of Title 46," and insert "[and the provisions of Title 46,] or any of the rules and regulations adopted thereunder, or with any of the provisions of Title 46"

Signed by: Senators Washington, Chairman: Henry, Vice Chairman: Donohue, Ellicker, Guess, Huntley, Jolly, Knoblauch, McDougall, Mardesich, Matson, Scott, Slender, Walgren, Whetzel.

The bill was read the second time by sections

On motion of Senator Washington, the committee amendments were adopted.

On motion of Senator Washington, the following amendments were adopted:

On page 8, beginning on line 8, strike all of section 11.

On page 1, line 23 of the title, after "150," insert a period and strike the remainder of the title

On motion of Senator Washington, the rules were suspended, Engrossed Senate Bill No. 49 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

President Pro Tempore Henry presiding.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 49, and the bill passed the Senate by the following vote: Yeas, 46, absent or not voting, 1, excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Flicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Joly, Keete, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Tod), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senator Durkan—1

Excused: Senators Gissberg, McCutcheon—2.

ENGROSSED SENATE BILL NO. 49, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President resumed the Chair.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence within the bar of the Senate the Honorable Charles Frye, President Pro Tempore of the Ohio General Assembly and the Honorable John O'Brien, member of the Washington State House of Representatives, and appointed Senators Stender, Guess, Knoblauch and Washington to escort the honored guests to a place upon the rostrum.

With leave of the Senate, business was suspended to permit Representative O'Brien to introduce the honored guest and to address the Senate.

The special committee escorted the honored guests from the Senate Chamber.

#### MOTION

On motion of Senator Mardesich, Senate Bill No. 177 was ordered to hold its place on the second reading calendar for Wednesday, February 10, 1971.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 14, by Senators Lewis, Wilson, Metcalf, Washington, Greive, Joly, Guess, Huntley, Peterson (Lowell), Newschwander, Day, Odegaard, Stortini, McCutcheon, Francis and Twigg (by Legislative Council request).

Amending the Constitution to authorize gubernatorial veto of entire sections and any appropriation item or items.

The resolution was read the second time in full.

Senator Stender moved adoption of the following amendment.

On page 1, line 27 after "state" strike the remainder of line 27 and insert a period

On page 2, strike all of line 1 up to "governor," on line 2 and insert: After "shall" on line 27 add the following: "The Secretary of State, after adjournment of the legislature, shall within ten days by appropriate resolution by certified mail place the veto items or sections on any measure upon which objections are raised before the members of the Senate and House of Representatives for their ye or nay vote in the same manner as provided for when the legislature is in session."

Debate ensued.

## MOTIONS

On motion of Senator Lewis, Senate Joint Resolution No. 14 was made a special order of business immediately following the noon recess.

At 12:25 p.m., on motion of Senator Greive, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

## MOTIONS

On motion of Senator Keefe, Senators Durkan, Foley and Jolly were excused.

On motion of Senator Lewis, the special order of business, Senate Joint Resolution No. 14 was held following Senate Bill No. 56.

## SECOND READING

SENATE BILL NO. 56, by Senators Atwood, Henry and Talley (by departmental request):

Providing for certain changes relating to the department of civil defense.

## REPORT OF STANDING COMMITTEE

February 1, 1971.

SENATE BILL NO. 56, providing for certain changes relating to the department of civil defense (reported by Committee on State Government).

MAJORITY recommendation: Do pass with the following amendments.

On page 2, section 2, subsection (2), beginning on line 31, after "Washington" strike all of the material down to and including "occurrence" on page 3, line 4.

On page 5, section 7, line 25, after "where" and before "the" insert "all of."

On page 6, section 7, subsection (5), line 6, after "misconduct" strike the comma and insert "or" and after "negligence" strike ", or bad faith."

Signed by: Senators Walgren, Chairman; Atwood, Day, Elicker, Gardner, Jolly, Newschwander.

The bill was read the second time by sections.

On motion of Senator Atwood, the committee amendments were adopted.

On motion of Senator Atwood, the following amendment was adopted:

On page 4, section 6, line 32, after "determination," insert "or" and on line 33 after "an" strike "omission" and insert "admission" and on line 33 after "against" strike "interests" and insert "interest."

On motion of Senator Atwood, the rules were suspended, Engrossed Senate Bill No. 56 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Mardesch: "Would Senator Atwood yield? Senator, on page 1, line 24, the language 'not withstanding any other provisions of law'. The bill applies to civil emergencies relating out of war and natural emergency of extreme sort, and with that concept in mind, gives the Governor additional powers over and above those he ordinarily has with respect to handling an emergency."

"Now does the language 'not withstanding any other provisions of law' imply that the Governor would be able to call an emergency at any time he sees fit without it being a civil emergency?"

Senator Atwood: "No. If you will see this part of the bill is chapter 210 and it is taken out of Title 38.52 Civil Defense, and you have to read the first three or four sections of the entire title to get the entire picture. This is just a very small part of it."

Senator Mardesch: "I understand that and that is why I asked the question. Under the first part of that chapter his powers are restricted as to what were the occasions on which he might declare an emergency. Does this language then 'not withstanding any other provisions of law' broaden that emergency authority?"

Senator Atwood: "I do not think so, Senator, since it is part of the same title. I think you have to read it in context of 38.52. I did not think it broadens the power the Governor had in the first three or four sections of the title. At least it is not my intent that it broaden it."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 56, and the bill passed the Senate by the following vote, Yeas, 44, excused, 5.

Voting yea Senators Andersen, Atwood, Bauey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Ellicker, Fleming, Francis, Gardner, Greive, Guess, Henry, Herr Holman, Huntley, Keefe, Knoblauch, Lewis, McDougall, Mardesch, Watson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder Sandison Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall 44

Excused: Senators Durkan, Foley, Gissberg, Jolly, McCutcheon—5.

ENGROSSED SENATE BILL NO. 56, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Lewis, Stender and Stortini demanded a Call of the Senate.

A Call of the Senate was ordered.

## CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber.

The Secretary called the roll on the Call of the Senate, all members being present except Senators Durkan, Foley, Gissberg, Jolly and McCutcheon, all having previously been excused.

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

## SPECIAL ORDER OF BUSINESS

SENATE JOINT RESOLUTION NO. 14, by Senators Lewis, Wilson, Metcalf, Washington, Greive, Jolly, Guess, Huntley, Peterson (Lowell), Newschwander, Day, Odegaard, Stortini, McCutcheon, Francis and Twigg (by Legislative Council request)

Amending the Constitution to authorize gubernatorial veto of entire sections and any appropriation item or items.

The Senate resumed consideration of Senate Joint Resolution No. 14 on second reading and a pending amendment by Senator Stender.

There being no objection, the amendment proposed by Senator Stender was withdrawn.

Senator Stender moved adoption of the following amendment:

On page 1, line 27, after "state" strike all the material down to and including "governor" on page 2, line 2, and insert "[, who shall say the same before the legislature at its next session in like manner as if it had been returned by the governor] The secretary of state, after adjournment of the legislature, shall within ten days by appropriate resolution by certified mail place the veto items or sections on any measure upon which objections are raised before the members of the senate and house of representatives for their yea or nay vote in the same manner as provided for when the legislature is in session."

## POINT OF INQUIRY

Senator Wilson: "Will Senator Stender yield? Senator, this may be a minor point but when we are dealing with constitutional amendments, we have to deal with minor points."

"I am referring to employment of the phrase 'certified mail'. Up until a few years ago there was no such thing as certified mail, it was called registered mail. Then the post office department adopted a new policy and presently you can send letters either certified or registered. With the entire post office establishment being overhauled by virtue of its new form of organization, I wonder if there is not a distinct possibility that there might be no such thing as certified mail within a year or two and they would be calling it something else, and if so, whether in your estimation that would pose a serious problem with respect to the wording in your proposed amendment?"

Senator Stender: "Senator, I have had a great deal of help with this amendment all around the Senate. My original amendment had the word 'mail' and I just assumed because it said 'mail' that the responsible officer would use the kind of mail that would normally reflect whether or not a particular resolution had reached the members. I was advised by my advisors that 'certified' should be used so I entered that in the amendment before us, feeling

that possibly we would indicate at least to those like the secretary of state that they should use some sort of mailing system that would certify that the members had received their resolution. Maybe we could have said 'mail in such a manner that would certify they had received the resolution'."

Further debate ensued.

### MOTION

Senator Peterson (Lowell) moved that the amendment by Senator Stender be laid upon the table.

Senator Stender demanded a roll call and the demand was sustained by Senators Bailey, Greive, Metcalf, Ellicker, Cooney, Atwood, Talley, Knoblauch and Washington.

### ROLL CALL

The Secretary called the roll and the amendment by Senator Stender was laid upon the table by the following vote: Yeas, 25; nays, 20; excused, 4.

Voting yea. Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Francis, Holman, Lewis, Mardesich, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Twigg, Walgren, Washington, Wilson - 25

Voting nay. Senators Durkan, Ellicker, Gardner, Greive, Guess, Henry, Herr, Huntley, Keefe, Knoblauch, McDougall, Malson, Metcalf, Murray, Peterson (Ted), Stender, Stortini, Talley, Whetzel, Woodall - 20

Excused: Senators Foley, Gissberg, Jolly, McCutcheon - 4.

Senator Metcalf moved adoption of the following amendment:

On page 1, line 27, after "state" strike all the material down to and including "governor" on page 2, line 2, and inser. "[, who shall lay the same before the legislature at its next session in the manner as if it had been returned by the governor] The legislature shall return into session the third Saturday after adjournment for consideration of veto messages only, and must adjourn no later than midnight the following Sunday."

Debate ensued.

### MOTIONS

On motion of Senator Durkan, the amendment by Senator Metcalf was laid upon the table.

On motion of Senator Lewis, the rules were suspended, Senate Joint Resolution No. 14 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

### POINT OF INQUIRY

Senator Bailey: "Mr. President, I had a question. I am very much in favor of this amendment to the Constitution but I have a question I would like to ask Senator Woodall.

"It occurred to me that when the court had said the Governor has the power to veto an item or a word, what would prevent the legislature from overriding a Governor's veto, word for word and item by item.

"Do you know of anything that would prohibit us; in case this should fail, why shouldn't we adopt some rules and procedures in our joint rules where we would consider a Governor's veto word by word and item by item so that in many cases where it has just gone to committee and died because the whole body was too weighty, maybe we could really take some legislative prerogative back and do a little job on him."

Senator Woodall: "That would be an improvement over not considering it at all but as a practical matter you know, and I, that this again applies both ways. There is always a certain amount of people, one party or the other, who will have a feeling that, 'Well, I do not exactly agree with him but he did do it that way,' and maybe they are striking for an appointment or a job or some boon or bounty or favor and they are inclined to support the incumbent right or wrong.

"So as a practical matter again, while I would favor what you say, taking the veto up item by item, the number of times that you would be successful would always remain limited."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 14, and the resolution passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Francis, Gardner, Greve, Guess, Henry, Herr, Holman, Huntley, Keefe, Knoblauch, Lewis, McDougall, Mardesch, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortim, Talley, Twigg, Walgren, Washington, Wilson, Woodall—43.

Voting nay: Senators Stender, Whetzel—2.

Excused: Senators Foley, Gissberg, Jolly, McCutcheon—4.

SENATE JOINT RESOLUTION NO. 14, having received the constitutional two-thirds majority, was declared passed.

Permission for use of the Senate Chamber was granted Senator Francis to conduct a public hearing by the Committee on Education this afternoon beginning at 3:00 p.m.

## MOTIONS

On motion of Senator Greve, the Senate dispensed with the Call of the Senate.

At 2:45 p.m., on motion of Senator Greve, the Senate adjourned until 11:00 a.m. Wednesday, February 10, 1971.

JOHN A. CHERBERG, President of the Senate

SIDNEY R. SNYDER, Secretary of the Senate.

## THIRTY-FIRST DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, February 10, 1971.

The Senate was called to order at 11.00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator McCutcheon. On motion of Senator Keefe, Senator McCutcheon was excused.

The Color Guard, consisting of Pages Raymond Unsuf, Color Bearer, and Ade Doherty, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered prayer as follows:

"Our God and Father we are grateful for the freedom of choice and the democratic process, for the dedication and perseverance of this body. Give them now a prophetic insight into the pressing problems of the moment and the accruing needs of the future. Enable them to use wisely the resources of our State. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

February 4, 1971.

SENATE BILL NO. 122, modifying existing laws to include the court of appeals (reported by Judiciary Committee)

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman, Dore, Vice Chairman; Andersen, Atwood, Clarke, Foley, Francis, Greive, Holman, Twigg, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

February 4, 1971.

SENATE BILL NO. 172, providing for changes in the law relating to highway relocation payments (reported by Committee on Highways)

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman, Henry, Vice Chairman, Donohue, Guess, Jolly, Knoblauch, Mardesich, Matson, Murray, Peterson (Lowell), Scott, Stender, Walgren, Whetzel.

Referred to Committee on Rules and Joint Rules for second reading.

February 9, 1971

SENATE BILL NO. 237, establishing attorneys' fees in divorce cases (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman, Andersen, Atwood, Clarke, Foley, Francis, Holman, Twigg, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

February 4, 1971

SENATE BILL NO. 280, regulating motor vehicle noise (reported by Committee on Transportation)

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman, Henry, Vice Chairman; Donohue, Huntley, Jolly, Knoblauch, McDougall, Mardesich, Murray, Peterson (Lowell), Scott, Stender, Walgren, Whetzel.

Referred to Committee on Rules and Joint Rules for second reading.

## MESSAGE FROM THE HOUSE

February 9, 1971

Mr. President. The House has passed.

ENGROSSED HOUSE BILL NO. 75.

HOUSE BILL NO. 154.

HOUSE BILL NO. 220.

ENGROSSED HOUSE BILL NO. 222.

HOUSE BILL NO. 223.

ENGROSSED HOUSE BILL NO. 225.

HOUSE BILL NO. 228.

HOUSE BILL NO. 237.

ENGROSSED HOUSE BILL NO. 274.

and the same are herewith transmitted DONALD R. WILSON, Assistant Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 463, by Senators Washington and Huntley.

An Act relating to justices of the peace, reducing the number of justices of the peace in Grant county to one, and amending section 10, chapter 299, Laws of 1961 as last amended by section 1, chapter 23, Laws of 1970 ex. sess. and RCW 3.34.010

Referred to Judiciary Committee.

SENATE BILL NO. 464, by Senators Washington and Huntley:

An Act relating to education, amending section 28A.57.250, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.250, and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 465, by Senators Andersen and Greive (by departmental request)

An Act relating to pilotage on Puget Sound, amending section 3, chapter 18, Laws of 1935 as amended by section 2, chapter 15, Laws of 1967 and RCW 88.16.050; amending section 4, chapter 18, Laws of 1935 as amended by section 3, chapter 15, Laws of 1967 and RCW 88.16.070, amending section 13, chapter 18, Laws of 1935 and RCW 88.16.100; and amending section 15, chapter 18, Laws of 1935 and RCW 88.16.140.

Referred to Committee on Labor and Industrial Insurance

SENATE BILL NO. 466, by Senators Talley, Atwood and Connor.

An Act relating to the compensation of port district commissioners, adding new sections to chapter 53.12 RCW; and repealing section 4, chapter 348, Laws of 1955, section 1, chapter 72, Laws of 1957 and RCW 53.12.250

Referred to Committee on Cities, Towns and Counties

SENATE BILL NO. 467, by Senators Henry, Washington and Huntley

An Act relating to motor vehicle accidents, and adding a new section to chapter 12, Laws of 1961 and to chapter 46.52 RCW.

Referred to Committee on Transportation

SENATE BILL NO. 468, by Senators Matson, Mardesich and Lewis:

An Act relating to probation services, amending section 5, chapter 165, Laws of 1969 ex. sess. and RCW 13.36.050; and declaring an emergency

Referred to Committee on Public Institutions

SENATE BILL NO. 469, by Senators Sandison, Atwood, Foley, Holman and Gissberg

An Act relating to state institutions of higher education; establishing an administrative procedures act for state institutions of higher education, authorizing the delegation of powers, amending section 15, chapter 234, Laws of 1959 as last amended by section 1, chapter 71, Laws of 1967 ex. sess. and RCW 34.04.150 adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28B RCW as a new chapter thereof, adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW, providing an effective date; and declaring an emergency.



Referred to Committee on Higher Education and Libraries.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 469.

SENATE BILL NO. 470, by Senator Francis:

An Act relating to the provision of interpreters; and creating new sections.

Referred to Judiciary Committee.

SENATE BILL NO. 471, by Senators Sandison and Walgren:

An Act relating to state institutions for children and youth; creating a new section, and making an appropriation.

Referred to Committee on Ways and Means--Appropriations.

SENATE BILL NO. 472, by Senators Guess, Greive and Stender:

An Act relating to industrial insurance, and amending section 51.16.050, chapter 23, Laws of 1961 and RCW 51.16.050.

Referred to Committee on Labor and Industrial Insurance.

SENATE BILL NO. 473, by Senators Fleming and Mardesich:

An Act relating to insurance; and adding a new section to Title 48 RCW.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 474, by Senators Fleming and Mardesich:

An Act relating to insurance; amending section 6, chapter 229, Laws of 1951 as amended by section 12, chapter 241, Laws of 1969 ex. sess. and RCW 48.20.052, and adding a new section to chapter 48.20 RCW.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 475, by Senator Fleming:

An Act relating to security interests in consumer goods, and amending section 9.501, chapter 157, Laws of 1965 ex. sess. and RCW 62A.9.501.

Referred to Judiciary Committee.

SENATE BILL NO. 476, by Senators Atwood and Fleming (by Joint Committee on Education request):

An Act relating to revenue and taxation; amending section 84.52.050, chapter 15, Laws of 1961 as last amended by section 5, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.050, and declaring an emergency.

Referred to Committee on Ways and Means--Revenue and Taxation.

SENATE BILL NO. 477, by Senators Greive, Washington, Bailey and Francis (by Lieutenant Governor request):

An Act relating to public records; creating new sections, and prescribing penalties.

Referred to Judiciary Committee.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 477.

SENATE BILL NO. 478, by Senator Fleming (by Insurance Commissioner request):

An Act relating to insurance, and amending section 19.09, chapter 79, Laws of 1947 and RCW 48.19.090.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 479, by Senators Durkan, Walgren and Henry:

An Act relating to elections, providing for open state primaries, amending section 29.30.010, chapter 9, Laws of 1965 and RCW 29.30.010, amending section 29.30.020; chapter 9, Laws of 1965 and RCW 29.30.020, amending section 29.30.030; chapter 9, Laws of 1965 and RCW 29.30.030, amending section 29.30.040, chapter 9, Laws of 1965 and RCW 29.30.040, amending section 29.30.060, chapter 9, Laws of 1965 and RCW

29 30 060; amending section 29 33 160 chapter 9, Laws of 1965 and RCW 29 33 160, adding a new section to chapter 29.18 RCW, and creating a new section.

Referred to Committee on Constitution, Elections and Legislative Processes

SENATE BILL NO. 480, by Senators Fleming and Mardesch:

An Act relating to insurance, and adding a new section to chapter 48 20 RCW

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO 481, by Senators Peterson (Lowell), Peterson (Ted) and Newschwander (by departmental request)

An Act relating to air pollution; authorizing the department of ecology to issue emergency orders; authorizing episode avoidance plans; adding new sections to chapter 232 Laws of 1957 and to chapter 70 94 RCW, and repealing section 57, chapter 238, Laws of 1967, section 43, chapter 168, Laws of 1969 ex sess. and RCW 70 94.415.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO 482, by Senator Fleming

An Act relating to retail installment sales, providing additional buyer's remedies in certain sales, amending section 12, chapter 234, Laws of 1967 and RCW 63 14.154, amending section 19, chapter 236, Laws of 1963 and RCW 63 4 190, amending section 20 chapter 236, Laws of 1963 and RCW 63 14 200, adding new sections to chapter 63 14 RCW, and providing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 483, by Senators Elicker, Talley, Peterson (Lowell) and Sandison (by executive request).

An Act relating to state government; regulating the taking, transportation, and use of hydrocarbon substances, amending section 10, chapter 133, Laws of 1969 ex sess as amended by section 1, chapter 88, Laws of 1970 ex. sess. and RCW 90 48 3 5, adding new sections to chapter 133, Laws of 1969 ex. sess. and to chapter 90 48 RCW, adding a new section to chapter 43 21A RCW, repealing section 4, chapter 146, Laws of 1951, section 7 chapter 300, Laws of 1961, and RCW 78 52 020, and providing penalties.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No 483

SENATE BILL NO. 484, by Senator Fleming

An Act relating to civil actions amending section 10, chapter 7, Laws of 1891 and RCW 3 16 140, amending section 36 18 060, chapter 4, Laws of 1963 and RCW 36.18.060, and adding a new section to chapter 299, Laws of 1961 and to chapter 3.62 RCW.

Referred to Judiciary Committee

SENATE BILL NO 485, by Senators Washington, Greive, Bailey and Francis (by Lieutenant Governor request):

An Act relating to public officers and agencies; repealing section 1, chapter 216, Laws of 1953 and RCW 42 32 010, repealing section 2, chapter 216, Laws of 1953 and RCW 42 32 020, and prescribing penalties

Referred to Judiciary Committee

SENATE JOINT MEMORIAL NO 6, by Senator Fleming.

Memorizing Congress for a change in the bankruptcy laws.

Referred to Judiciary Committee

SENATE JOINT RESOLUTION NO 25 by Senators Stender Herr and Metcalf  
Authorizing an income tax

## MOTION

On motion of Senator Stender, Senate Joint Resolution No. 25 was referred to the Committee on Constitution, Elections and Legislative Processes.

ENGROSSED HOUSE BILL NO 75, by Representatives Bozarth, Copeland, Bottiger, Haussler and Randall

Authorizing school districts to permit emergency use by other governmental agencies of their school buses and equipment.

Referred to Committee on Education.

HOUSE BILL NO 154, by Representatives Juin, Eikenberry and Charette

Relating to appeals from acts and proceedings of court commissioners.

Referred to Judiciary Committee.

HOUSE BILL NO 220, by Representatives Bluechel, Perry and Cunningham (by Secretary of State request):

Simplifying documentary requirements for foreign corporations requesting authority to do business in Washington.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO 222, by Representatives Bluechel, Spanton and Ross (by Secretary of State request)

Deleting the requirement that notice to a nonprofit corporation or association that it shall cease to exist shall be by certified mail.

Referred to Committee on State Government.

HOUSE BILL NO. 223, by Representatives Bluechel, McCormick and Cunningham (by Secretary of State request).

Providing for certain changes in the powers, duties, and functions of the secretary of state.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO 225, by Representatives Bluechel, McCormick and Conway (by Secretary of State request).

Deleting the requirement that notice to a corporation failing to pay the annual license fee shall be by certified mail.

Referred to Committee on State Government.

HOUSE BILL NO. 228, by Representatives Newhouse, Moon and Berentson.

Relating to the interagency committee for outdoor recreation.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

HOUSE BILL NO 237, by Representatives Schumaker, Savage, Zimmerman, Backstrom and Mentor.

Increasing the dollar amount of resources that can be sold through the small sale procedure of the department of natural resources.

Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO 274, by Representatives Shera, Merrill, Curtis and Litchman.

Authorizing banks and trust companies in United States corporations insuring or marketing real estate mortgages.

Referred to Committee on Commerce and Regulatory Agencies.

## SECOND READING

SENATE BILL NO 177, by Senator Clarke.

Providing for city indebtedness for open space park, recreation and community facilities.

The bill was read the second time by sections

### MOTIONS

On motion of Senator McDougall, Senator Newschwander was excused.

On motion of Senator Mardesch, the following amendment was adopted

On page 2, section 1, line 16, after "open space" strike all the material down through and including "RCW 36 89.010" on line 17 and insert "and park facilities"

On motion of Senator Clarke the rules were suspended, Engrossed Senate Bill No. 177 was advanced to third reading on a rising vote, the second reading considered the third, and the bill was placed on final passage

Debate ensued

### POINT OF INQUIRY

Senator Guess: "Would Senator Clarke yield to a question? Senator, is the passage of this act and the purchase of this land going to act as a deterrent to more people settling and using Mercer Island as a bedroom area to Seattle than if the land were left to the normal development of the area as it would normally do?"

Senator Clarke: "Senator, I do think that it will accomplish a lesser eventual population, simply because of the fact that if these areas which would otherwise be used for park purposes were left open for residential development, they quite probably would be. But this again, Senator, I think accentuates one of the main problems of our entire development of the state and that is what we wish to avoid on areas such as Mercer Island, a saturation like there is in Seattle."

Senator Guess: "Senator Clarke, you mentioned a figure of twenty thousand people and a figure of forty thousand people. Without the purchase of this land and to put it into the open spaces and parks, what would the island support in the way of population?"

Senator Clarke: "That, of course, is a rather difficult question to answer because it would depend very substantially upon the type of residential zoning and I have used those figures of twenty thousand and forty thousand more or less in the rough."

"My recollection is, and it is merely a recollection, I can get for you the exact figures if necessary because the Moss-Ruston Study has gone into it in depth, but my recollection is that under present zoning, the saturation point would be somewhere in the neighborhood of forty to forty-five thousand. If some of these properties were removed from the market then I would just have to speculate as to how much additional population that would prevent."

Senator Guess: "By passing of this act then we are going to deny, would you say, somewhere between ten and fifteen thousand people from seeking residence on the island, make them live further from the core area and put that many more people on the highways commuting into Seattle, a further distance. Is that going to be the effect of this bill?"

Senator Clarke: "No, Senator, I do not think so, because I think that the entire modern tendency has to do with more and more of an expansion away from core cities such as Seattle of residential properties. I think more and more people prefer to maintain what they have in the past been able to maintain and that is relatively rural living around the outskirts of Seattle."

Senator Guess: "Senator Clarke, instead of letting the people build on the very desirable area that is close-in to the city, you are going to shove them further out and have to create more highways in order to get them into the core city. Isn't this really going to work to the adverse position of what you really want?"

Senator Clarke: "No, Senator, I do not think so because I envisage our development over on the east side as inevitably going to a rapid transit situation where you will use a relatively small area of highway crossing for the purpose of enabling people to get further and further out into the country and enjoy the type of living that they want to enjoy."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 177, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1, absent or not voting, 3, excused, 2.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Cooney, Day, Donohue, Dore, Dukan, Flicker, Fleming, Foley, Francis, Gardner, Gussberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesch, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Taley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Voting nay: Senator Guess—1.

Absent or not voting: Senators Bailey, Connor, Sandison—3

Excused: Senators McCutcheon, Newschwander—2.

ENGROSSED SENATE BILL NO. 177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### EXPLANATION OF VOTE

February 10, 1971.

On this date I cast a negative vote on Senate Bill No. 177.

The bill will permit the city of Mercer Island to buy up and remove from the tax rolls a considerable area of very desirable residential property.

Removal of desirable residential property from an area so close to Seattle will force the further development of the urban sprawl. Persons so displaced will be forced to drive greater distances on the highways.

(signed) SENATOR SAM C. GUESS.

#### PERSONAL PRIVILEGES

Senator Peterson (Lowell): "I would like to call to the attention of the Senate the presence of a group of students in the north gallery wearing hearts. They are down here today, over five hundred strong, in a self-organized effort from Skagit county, my district, to appeal to the legislators and the Governor to fund and keep and continue the operation of Northern State Hospital."

Senator Ridder: "Would it be possible at this time, you know we talk so much about young people becoming involved in problems of government and seeing all of these youngsters from Skagit county taking an interest in the maintaining of a fine outstanding institution in their area to come to Olympia and take the time to present themselves for the good of Northern State Hospital."

"I think perhaps it would be in order for the good Senator from Skagit county to stand and also these young people who have taken their time and we pay them the same honor accorded other students visiting here today."

#### SECOND READING

SENATE BILL NO. 64, by Senators Atwood, Ridder and Gissberg (by departmental request).

Establishing procedures for issuance of occupational drivers' license.

#### REPORT OF STANDING COMMITTEE

February 4, 1971.

SENATE BILL NO. 64, establishing procedures for issuance of occupational drivers' license (reported by Judiciary Committee)

MAJORITY recommendation: Do pass with the following amendments.

On page 1, section 1, line 11, after "mandatory" and before the colon insert ", including suspensions or revocations pursuant to RCW 46.20.308"

On page 1, section 1, line 22, after "mandatory" and before the semicolon insert "or has not had his driver's license suspended or revoked pursuant to RCW 46.20.308"

Signed by: Senators Gissberg, Chairman; Andersen, Clarke, Holman, Twigg, Walgren, Woodall.

The bill was read the second time by sections.

Senator Atwood moved adoption of the committee amendment to page 1, section 1, line 11.

Debate ensued.

Senator Washington, Henry and Metcalf demanded a Call of the Senate.

Senator Washington demanded a roll call on the Call of the Senate and the demand was not sustained.

Further debate ensued.

#### POINT OF INQUIRY

Senator Peterson (Ted): "Senator Dore, would you yield to a question? I can remember the problem we had in just getting this bill through. You mean to say that if they violated over once, that the second and third and fourth time that if they refuse to take the

test that you still feel that they are in the right and should be issued a license? Is that what you are trying to tell us?"

Senator Dore: "No, I am saying that would be up to the court, a discretionary matter. In other words, if he feels that based on the record that the evidence is so slight or there is a possibility he would not be convicted, he should give him the right to use the license in the meantime prior to trial."

"We have to have confidence in our courts. The courts would have this information before them and if he had a bad record I assume the judge would deny the occupational driver's license."

Senator Peterson (Ted): "That is what I was going to say. Even his second or third offense?"

Senator Dore: "No, it cannot. Just for the first, the way the statute reads."

Senator Peterson (Ted): "Just for the first one?"

Senator Dore: "I think it is over three?"

Senator Peterson (Ted): "Is it over three?"

Senator Dore: "It is under three."

Debate ensued

#### POINT OF ORDER

Senator Metcalf: "I believe the editorial that Senator Woodall is reading refers to the bill and we are now debating the amendment. I do not think the editorial relates to this amendment, Senator Woodall."

Senator Woodall: "In response, the editorial relates to a pending bill which by amendment is being amended into this one. It applies to a relaxation of this particular law. However, if you would rather I not read it, I will quote it."

"It says that 'It now appears that under supervision of the court, reasonable justice demands reasonable relaxation. Now that is the summary of the editor of this particular paper. So in his opinion, and they supported the implied consent when they put it in, and in the reconsidered opinion of the editor, we are not gutting, tearing apart, turning the road over to drunks, or doing any of these heinous things.'"

Senators Keefe, Ridder and Greive demanded the previous question and the demand was sustained.

Senator Metcalf demanded a roll call and the demand was sustained by Senators Greive, Connor, Atwood, Odegard, Murray, Wilson, Cooney, Ridder and Stortini.

The President declared the question before the Senate to be the adoption of the Judiciary Committee amendment to page 1, section 1, line 11.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; nays, 21; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Gissberg, Greive, Guess, Herr, Keefe, Knoblauch, Mardesich, Matson, Peterson (Lowell), Ridder, Stender, Stortini, Twigg, Waigren, Woodall. 25

Voting nay: Senators Canfield, Clarke, Elicker, Francis, Gardner, Henry, Holman, Huntley, Jolly, Lewis, McDougall, Metcalf, Murray, Odegard, Peterson (Ted), Sandison, Scott, Talley, Washington, Whetzel, Wilson. 21

Absent or not voting: Senator Bailey—1

Excused: Senators McCutcheon, Newschwander—2.

On motion of Senator Atwood, the committee amendment to page 1, section 1, line 22 was adopted.

On motion of Senator Atwood, the rules were suspended, Engrossed Senate Bill No. 64 was advanced to third reading on a rising vote, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 64, and the bill passed the Senate by the following vote: Yeas, 26; nays, 20; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Clarke, Connor, Cooney, Day, Donohue,

Dore, Durkan, Fleming, Francis, Gissberg, Greive, Guess, Herr, Keefe, Knoblauch, Mardesich, Maison, Peterson (Lowell), Ridder, Stender, Stortini, Twigg, Walgren, Woodall 26

Voting nay Senators Canfield, Elicker, Foley, Gardner, Henry, Holman, Huntley, Jolly, Lewis, McDougall, Metcalf, Murray, Odegaard, Peterson (Ted), Sandison, Scott, Talley, Washington, Whetzel, Wilson—20

Absent or not voting, Senator Bailey—1.

Excused: Senators McCutcheon, Newschwander—2

ENGROSSED SENATE BILL NO. 64, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

At 12.30 p.m., on motion of Senator Greive, the Senate recessed until 1:30 p.m.

### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

### SECOND READING

SENATE BILL NO. 168, by Senators Wilson, Stender, Talley and Washington

Permitting tentative school district preliminary budgets when awaiting appropriations by legislature as to amount of state aid available

The bill was read the second time by sections.

Senator Ridder moved adoption of the following amendment

On page 2 following section 1 add a new section as follows

"Sec. 2. Section 28A.65.170, chapter 223, Laws of 1969 ex. sess. as amended by section 36, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.170 are each amended to read as follows:

The budget as finally adopted shall constitute the appropriations of the district for the ensuing fiscal year and the board of directors shall be limited in the making of expenditures and the incurring of liabilities to the grand total of such appropriations. The board of directors shall make no expenditures nor incur any liability for any purpose not provided for in said budget, except for emergencies as hereinafter provided. [Expenditures made, liabilities incurred, or warrants issued in excess of said appropriations shall not be a liability of the district, but shall subject the members of any board of directors violating any provision of this section to personal liability in the full amount thus expended or contracted for, and each director shall immediately forfeit his office]. PROVIDED, That no board of directors shall be prohibited from making expenditures for the payment of regular employees and for the necessary repairs, and upkeep of the school plant during the interim while the budget is being settled. PROVIDED FURTHER, That transfers between budget classes may be made by the school district's chief administrative officer or finance officer, subject to such regulations as may be imposed by the school district board of directors. Officers and employees who knowingly or negligently violate or participate in a violation of this statute by the making of expenditures, incurring of liabilities, or issuing of warrants in excess of appropriations may be held civilly liable jointly and severally for all consequential damages, or not less than three hundred dollars as liquidated damages, for each such violation. If as a result of a civil or criminal action the violation is found to have been wilful, such officer or employee who is found to have knowingly participated in such wilful breach shall immediately forfeit his office or employment and the judgment in such action shall so provide. Nothing in this section shall be construed to limit the power of the attorney general to recover from any officer, employee, or other person the full amount of such overexpenditure in a civil action under RCW 43.09.260 as now or hereafter amended."

Debate ensued

### POINT OF INQUIRY

Senator Atwood. "Would Senator Ridder yield? Senator, I am in sympathy with what you are trying to do but there is one important omission that I think should be added to the underscored material in your amendment.

"You have deleted by this amendment the school district's exemption from liability. I

think that should be put in the underscored material. That would subject the school district as an entity, subject to liability, with it being deleted now.

"What you are trying to do is hold the officers and the board responsible civilly. You have also, by this amendment, made it possible to hold the district as an entity liable and I am sure that whoever is trying to collect it will go for the district. I have no quarrel with the amendment except for this one little item, but it happens to be a very major one."

Senator Ridder: "I agree with your point, Senator Atwood."

"If those school directors or employees willfully or negligently extend that budget, then they are liable for it. After all, they are the people that move that budget. It is not the school district per se that moves it or finances the budget. However, if this would make you feel happier with the bill and the amendment, I would accept the oral amendment to this if it."

Senator Atwood: "I would move that this bill hold its place on the second reading calendar for tomorrow."

#### MOTION

On motion of Senator Atwood, Senate Bill No. 168 and the pending amendment by Senator Ridder was ordered to hold its place on the second reading calendar for Thursday, February 11, 1971.

SENATE BILL NO. 219, by Senators Twigg and Guess:

Providing authority for first class cities to exchange property for park purposes.

The bill was read the second time by sections.

On motion of Senator Twigg, the rules were suspended, Senate Bill No. 219 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 219, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Ellicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesch, Matson, Metcalf, Murray, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Taley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senator Dore—1.

Excused: Senators McCutcheon, Newschwander—2.

SENATE BILL NO. 219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 10, by Senator Gissberg:

Authorizing eighteen years of age to be legal age in probate law.

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, Senate Bill No. 10 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 10, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Durkan, Ellicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesch,



Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Tailey, Twigg, Waigren, Washington, Whetzel, Wilson, Woodall - 45.

Absent or not voting: Senators Connor, Dore - 2.

Excused: Senators McCutcheon, Newschwander - 2.

SENATE BILL NO 10, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO 244, by Senators Holman and Francis (by Judicial Council request)

Relating to district courts.

The bill was read the second time by sections.

On motion of Senator Holman, the rules were suspended, Senate Bill No 244 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Mardesich: "We are in effect changing the language or the official designation of this justice court. We are now making it a district court."

"I would like some assurance that this bill does not, nor is it intended to, affect in any way the salaries of justice court justices or judges by virtue of changing the designation of those courts to district courts."

Senator Holman: "Senator Mardesich, I can assure you that there certainly was no intention to do that and I cannot see how it could possibly be construed as doing that."

#### MOTIONS

On motion of Senator Greive, Senate Bill No. 244, was ordered held on the third reading calendar for Thursday, February 11, 1971.

At 2:00 p.m. on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Thursday, February 11, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## THIRTY-SECOND DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, February 11, 1971

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Connor, McCutcheon and Woodall. On motion of Senator Keefe, Senators Connor and McCutcheon were excused. On motion of Senator McDougall, Senator Woodall was excused.

The Color Guard, consisting of Pages Patrick Carney, Color Bearer, and Michele Brunner, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered prayer as follows.

"Almighty God, who so often have rewarded with success a happy blending of the old and new, bless the fledgling Senators, who are making their initial appearance here on the Hill. Give them a confidence that refuses to be intimidated by the magnitude of their task or the diversity of their responsibilities. Temper their idealism with just enough compromise to make it workable. Remember, too, the seasoned veterans of this Chamber. Protect them from the occupational disease of cynicism. Grant to them humility which is the mark of greatness and that openness of mind which makes creative action possible. Help our legislators this day in finding ways and means of harnessing together both their vision and their experience. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

February 10, 1971.

SENATE BILL NO. 32, allowing a divorced mother to bring an action for injury or death of her minor child (reported by Judiciary Committee)

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Clarke, Francis, Holman, Twigg, Walgren, Woodall

Passed to Committee on Rules and Joint Rules for second reading

February 10, 1971.

SENATE BILL NO. 183, requiring a claim for mechanics' and materialmen's liens to contain the address of claimant (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Francis, Holman, Twigg, Walgren, Woodall

Passed to Committee on Rules and Joint Rules for second reading

February 10, 1971.

SENATE BILL NO. 228, providing for the control of pets capable of transmitting disease to man (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cooney, Elcker, Francis, Holman, Keefe, Odegaard

Passed to Committee on Rules and Joint Rules for second reading

February 10, 1971.

SENATE BILL NO. 246, establishing juries at six or twelve persons (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Francis, Holman, Twigg, Walgren, Woodall.

MINORITY recommendation: Do not pass.

Signed by: Senators Andersen, Clarke

Passed to Committee on Rules and Joint Rules for second reading.

February 10, 1971

SENATE BILL NO. 288, authorizing parks and recreation commission to call for new and higher bids in disposing of land not needed for park purposes (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs).

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Canfield, Henry, Jolly, Lewis, Murray, Scott, Whetzel

Passed to Committee on Rules and Joint Rules for second reading.

February 10, 1971

SENATE BILL NO. 320, replacing the auditor with the lieutenant governor on the public employees' retirement board (reported by Committee on Public Pensions and Social Security)

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman, Clarke, Day, Herr, Murray, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading

February 10, 1971

SENATE BILL NO. 380, providing for health care benefits in certain circumstances notwithstanding provisions of the insurance contract (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass as amended

Signed by: Senators Day, Chairman; Cooney, Ellicker, Francis, Holman, Keefe, Odegaard

Passed to Committee on Rules and Joint Rules for second reading.

#### MESSAGE FROM THE HOUSE

February 10, 1971.

Mr. President The House has adopted SENATE CONCURRENT RESOLUTION NO 8 and the same is herewith transmitted. MALCOLM McBEATH Chief Clerk

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 486, by Senator Stender.

An Act relating to public highways

Referred to Committee on Transportation.

SENATE BILL NO. 487, by Senator Stender.

An Act relating to public highways.

Referred to Committee on Transportation.

SENATE BILL NO. 488, by Senators Talley, Andersen and Woodall.

An Act relating to motor vehicles; amending section 46 56 190, chapter 12, Laws of 1961 as amended by section 65, chapter 32, Laws of 1967, and RCW 46.61 020, amending section 24, chapter 121, Laws of 1965 ex sess and RCW 46 20.285, creating a new section, and prescribing penalties

Referred to Judiciary Committee

SENATE BILL NO. 489, by Senator Gardner.

An Act relating to domestic relations, and adding a new section to chapter 26 08 RCW

Referred to Judiciary Committee

SENATE BILL NO. 490, by Senators Murray, Fleming and Greive.

An Act relating to intoxicating liquor; and amending section 23-S-1 added to

chapter 52, Laws of 1933 ex sess. by section 1, chapter 5, Laws of 1949 and RCW 66.24.400

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 491, by Senators Walgren, Fleming and Ridder (by Insurance Commissioner request):

An Act relating to insurance, providing when property insurance may be canceled; and creating a new section

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO. 492, by Senators Peterson (Ted), Matson and Woodall.

An Act relating to revenue and taxation, amending section 82.04.050, chapter 15, Laws of 1961 as last amended by section 1, chapter 8, Laws of 1970, and RCW 82.04.050; and prescribing an effective date

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 493, by Senator Gissberg:

An Act relating to fire protection districts; and amending section 8, chapter 24, Laws of 1951 2nd ex. sess. as amended by section 2, chapter 13, Laws of 1963 ex. sess. and RCW 52.16.130

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 494, by Senators Francis, Gardner and Holman.

An Act relating to and regulating the practice of naturopathy; creating a state examining and disciplinary board for naturopathic practitioners, prescribing powers and duties, making exceptions; creating new sections; and providing penalties

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO. 495, by Senators McDougall, Jolly and Day (by departmental request):

An Act relating to state government; amending section 1, chapter — (HB 97), Laws of 1971 and RCW 43.17.010, amending section 2, chapter — (HB 97), Laws of 1971 and RCW 43.17.020, amending section 43.23.010, chapter 8, Laws of 1965 as amended by section 1, chapter 240, Laws of 1967 and RCW 43.23.010, amending section 43.23.070, chapter 8, Laws of 1965 as amended by section 7, chapter 240, Laws of 1967 and RCW 43.23.070, amending section 43.23.080 chapter 8, Laws of 1965 as amended by section 8, chapter 240, Laws of 1967 and RCW 43.23.080, amending section 43.23.090, chapter 8, Laws of 1965 as amended by section 9, chapter 240, Laws of 1967 and RCW 43.23.090; and creating a new section.

Referred to Committee on State Government.

SENATE BILL NO. 496, by Senators Gissberg and Woodall.

An Act relating to homesteads, including awards in addition to or awards in lieu thereof, amending section 24, chapter 64, Laws of 1895 as last amended by section 1 chapter 29, Laws of 1955 and RCW 612.050, amending section 11.52.010, chapter 145, Laws of 1965 as amended by section 12, chapter 168, Laws of 1967 and RCW 11.52.010; amending section 11.52.020, chapter 145, Laws of 1965 as amended by section 13, chapter 168, Laws of 1967 and RCW 11.52.020; and amending section 11.52.022, chapter 145, Laws of 1965 and RCW 11.52.022

Referred to Judiciary Committee.

SENATE BILL NO. 497, by Senators Henry and Washington:

An Act relating to highways, and amending section 36.77.060, chapter 4, Laws of 1963 and RCW 36.77.060.

Referred to Committee on Transportation.

**SENATE BILL NO. 498, by Senators Matson, McDougall and Francis:**

An Act relating to pesticides, establishing a control board, adding new sections to Title 15 RCW, repealing section 1, chapter 244, Laws of 1961 and RCW 15 57 0 0; repealing section 2, chapter 244, Laws of 1961 and RCW 15 57 020, repealing section 3, chapter 244, Laws of 1961 and RCW 15 57 030, repealing section 4, chapter 244, Laws of 1961 and RCW 15 57 040, repealing section 5, chapter 244, Laws of 1961 and RCW 15 57 050; repealing section 6, chapter 244, Laws of 1961 and RCW 15 57 060, repealing section 7, chapter 244, Laws of 1961 and RCW 15 57 070, repealing section 8, chapter 244, Laws of 1961 and RCW 15 57 080; repealing section 9, chapter 244, Laws of 1961 and RCW 15 57 090, repealing section 10, chapter 244, Laws of 1961 and RCW 15 57 100; repealing section 11, chapter 244, Laws of 1961 and RCW 15 57 110, repealing section 12, chapter 244, Laws of 1961 and RCW 15 57 120, repealing section 13, chapter 244, Laws of 1961 and RCW 15 57 130, repealing section 14, chapter 244, Laws of 1961 and RCW 15 57 140, repealing section 15, chapter 244, Laws of 1961 and RCW 15 57 150; repealing section 16, chapter 244, Laws of 1961 and RCW 15 57 160, repealing section 17, chapter 244, Laws of 1961 and RCW 15 57 170, repealing section 18, chapter 244, Laws of 1961 and RCW 15 57 180, repealing section 19, chapter 244, Laws of 1961 and RCW 15 57 190, repealing section 20, chapter 244, Laws of 1961 and RCW 15 57 200; repealing section 21, chapter 244, Laws of 1961 and RCW 15 57 210, repealing section 22, chapter 244, Laws of 1961 and RCW 15 57 220, repealing section 23, chapter 244, Laws of 1961 and RCW 15 57 230, repealing section 24, chapter 244, Laws of 1961 and RCW 15 57 240, repealing section 25, chapter 244, Laws of 1961 and RCW 15 57 250, repealing section 26, chapter 244, Laws of 1961 and RCW 15 57 260, repealing section 27, chapter 244, Laws of 1961 and RCW 15 57 270, repealing section 28, chapter 244, Laws of 1961 and RCW 15 57 280, repealing section 29, chapter 244, Laws of 1961 and RCW 15 57 290; repealing section 30, chapter 244, Laws of 1961 and RCW 15 57 300, repealing section 31, chapter 244, Laws of 1961 and RCW 15 57 310, repealing section 32, chapter 244, Laws of 1961 and RCW 15 57 320, repealing section 33, chapter 244, Laws of 1961 and RCW 15 57 330, repealing section 34, chapter 244, Laws of 1961 and RCW 15 57 340, repealing section 35, chapter 244, Laws of 1961 and RCW 15 57 350, repealing section 36, chapter 244, Laws of 1961 and RCW 15 57 360, repealing section 37, chapter 244, Laws of 1961 and RCW 15 57 370, repealing section 38, chapter 244, Laws of 1961 and RCW 15 57 900, repealing section 39, chapter 244, Laws of 1961 and RCW 15 57 910; repealing section 40, chapter 244, Laws of 1961 and RCW 15 57 920, repealing section 41, chapter 244, Laws of 1961 and RCW 15 57 930; and providing penalties.

Referred to Committee on Agriculture and Horticulture.

**SENATE BILL NO. 499, by Senators Guess and Talley:**

An Act relating to the state-wide city employees' retirement system, amending section 3, chapter 71, Laws of 1947 as last amended by section 6, chapter 28, Laws of 1967 ex sess. and RCW 41 44 070; amending section 6, chapter 71, Laws of 1947 as amended by section 3, chapter 275, Laws of 1951 and RCW 41 44 060, amending section 8, chapter 71, Laws of 1947 as last amended by section 2, chapter 227, Laws of 1961 and RCW 41 44 080, amending section 9, chapter 71, Laws of 1947 as last amended by section 2, chapter 228, Laws of 1953 and RCW 41 44 090, amending section 12, chapter 71, Laws of 1947 as last amended by section 2, chapter 70, Laws of 1959 and RCW 41 44 120, amending section 13, chapter 71, Laws of 1947 as last amended by section 3, chapter 99, Laws of 1965 ex. sess. and RCW 41 44 130; amending section 14, chapter 71, Laws of 1947 as last amended by section 4, chapter 28, Laws of 1967 ex sess. and RCW 41 44 140, amending section 15, chapter 71, Laws of 1947 as last amended by section 5, chapter 99, Laws of 1965 ex sess. and RCW 41 44 150, amending section 16, chapter 71, Laws of 1947 as last amended by section 6, chapter 99, Laws of 1965 ex. sess. and RCW 41 44 160, amending section 17, chapter 71, Laws of 1947 as last amended by section 7, chapter 99, Laws of 1965 ex. sess. and RCW 41 44 170, amending section 18, chapter 71, Laws of 1947 as amended by section 8, chapter 227, Laws of 1961 and RCW 41 44 180, amending

section 19, chapter 71, Laws of 1947 as last amended by section 5, chapter 28, Laws of 1967 ex sess and RCW 41.44.190; amending section 21, chapter 71, Laws of 1947 as last amended by section 10, chapter 227, Laws of 1961 and RCW 41.44.210, adding a new section to chapter 41.44 RCW, declaring an emergency, and providing an effective date

Referred to Committee on Public Pensions and Social Security

SENATE BILL NO. 500, by Senator Francis.

An Act relating to the state retirement system, amending section 1, chapter 78, Laws of 1949 and RCW 41.04.040, amending section 2, chapter 78, Laws of 1949 and RCW 41.04.050, amending section 3, chapter 78, Laws of 1949 and RCW 41.04.060, and amending section 7, chapter 274, Laws of 1947 as amended by section 4, chapter 291, Laws of 1961 and RCW 41.40.055

### MOTION

On motion of Senator Fleming, Senate Bill No. 500 was referred to the Committee on Public Pensions and Social Security

SENATE BILL NO. 501, by Senators Francis and Fleming

An Act relating to schools, and creating a new section

Referred to Committee on Education.

SENATE BILL NO. 502, by Senators Day, Greve and Twigg by Insurance Commissioner request)

An Act relating to insurance, amending section 03.01, chapter 79, Laws of 1947 and RCW 48.03.010 amending section .05.21, chapter 79, Laws of 1947 and RCW 48.05.210, amending section 3, chapter 150, Laws of 1967 and RCW 48.05.215; amending section 10.28, chapter 79, Laws of 1947 and RCW 48.10.280, amending section 14.01, chapter 79, Laws of 1947 as last amended by section 8, chapter 241, Laws of 1969 ex sess and RCW 48.14.010, amending section 17.25, chapter 79, Laws of 1947 and RCW 48.17.250; amending section 17.50, chapter 79, Laws of 1947 as last amended by section 20, chapter 70, Laws of 1965 ex sess and RCW 48.17.500; amending section 18.10, chapter 79 Laws of 1947 and RCW 48.18.100, amending section 18.26, chapter 79, Laws of 1947 and RCW 48.18.260; amending section .19.02, chapter 79, Laws of 1947 and RCW 48.19.020, amending section .19.03, chapter 79, Laws of 1947 and RCW 48.19.030, amending section .19.04, chapter 79, Laws of 1947 and RCW 48.19.040; amending section 19.06, chapter 79, Laws of 1947 and RCW 48.19.060, amending section 19.10, chapter 79, Laws of 1947 and RCW 48.19.100; amending section 19.12, chapter 79, Laws of 1947 and RCW 48.19.120; amending section .34.02, chapter 79, Laws of 1947 and RCW 48.34.020, amending section 30.02, chapter 79, Laws of 1947 and RCW 48.30.020, amending section 30.15, chapter 79, Laws of 1947 as amended by section 18, chapter 193, Laws of 1957 and RCW 48.30.150, amending section 6, chapter 219, Laws of 1961 as amended by section 1, chapter 82, Laws of 1967 ex sess and RCW 48.34.060, amending section 8, chapter 115, Laws of 1969 and RCW 48.44.045; providing penalties; and making an effective date.

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO 503, by Senator Francis:

An Act relating to domestic relations amending section 7, page 405, Laws of 1854 as last amended by section 4, chapter 26, Laws of 1967 and RCW 26.04.090, amending section 4, chapter 204, Laws of 1939 as amended by section 7, chapter 26, Laws of 1967 and RCW 26.04.160, and adding a new section to chapter 26.04 RCW

Referred to Judiciary Committee.

SENATE BILL NO 504, by Senators Dore and Mardesich:

An Act relating to the health and safety of underground workers; adding a new section to chapter 49.24 RCW; and prescribing penalties.

Referred to Committee on Labor and Industrial Insurance

SENATE BILL NO. 505, by Senators Francis, Scott and Gardner (by Joint Committee on Education request):

An Act relating to cranes and penalties therefor; amending section 1, chapter 168, Laws of 1921 and RCW 9.04.030; and amending section 208, chapter 249, Laws of 1909 and RCW 9.68.030.

Referred to Judiciary Committee

SENATE BILL NO. 506, by Senators Fleming and Ridder.

An Act relating to insurance; adding a new section to chapter 48.19 RCW; and repealing section 19.09, chapter 79, Laws of 1947 and RCW 48.19.090.

Referred to Committee on Commerce and Regulatory Agencies.

### MOTION

On motion of Senator Fleming, the name of Senator Ridder was added as a sponsor to Senate Bill No. 506.

SENATE BILL NO. 507, by Senators Fleming and Murray (by State Board Against Discrimination request):

An Act relating to civil rights; amending section 1, chapter 183, Laws of 1949 as last amended by section 1, chapter 167, Laws of 1969 ex sess. and RCW 49.60.010; amending section 12, chapter 183, Laws of 1949 as amended by section 2, chapter 37, Laws of 1957 and RCW 49.60.020; amending section 3, chapter 183, Laws of 1949 as last amended by section 3, chapter 167, Laws of 1969 ex sess. and RCW 49.60.040; amending section 2, chapter 270, Laws of 1955 as amended by section 5, chapter 37, Laws of 1957 and RCW 49.60.050; amending section 3, chapter 270, Laws of 1955 and RCW 49.60.060; amending section 4, chapter 270, Laws of 1955 and RCW 49.60.070; amending section 5, chapter 270, Laws of 1955 and RCW 49.60.080; amending section 6, chapter 270, Laws of 1955 as amended by section 6, chapter 37, Laws of 1957 and RCW 49.60.090; amending section 7, chapter 270, Laws of 1955 and RCW 49.60.100; amending section 5, chapter 183, Laws of 1949 and RCW 49.60.110; amending section 8, chapter 270, Laws of 1955 as amended by section 7, chapter 37, Laws of 1957 and RCW 49.60.120; amending section 9, chapter 270, Laws of 1955 and RCW 49.60.130; amending section 10, chapter 270, Laws of 1955 and RCW 49.60.140; amending section 11, chapter 270, Laws of 1955 and RCW 49.60.150; amending section 12, chapter 270, Laws of 1955 and RCW 49.60.160; amending section 13, chapter 270, Laws of 1955 and RCW 49.60.170; amending section 1, chapter 68, Laws of 1959 and RCW 49.60.175; amending section 9, chapter 37, Laws of 1957 as amended by section 1, chapter 100, Laws of 1961 and RCW 49.60.180; amending section 10, chapter 37, Laws of 1957 as amended by section 2, chapter 100, Laws of 1961 and RCW 49.60.190; amending section 11, chapter 37, Laws of 1957 as amended by section 3, chapter 100, Laws of 1961 and RCW 49.60.200; amending section 12, chapter 37, Laws of 1957 and RCW 49.60.210; amending section 7, chapter 167, Laws of 1969 ex sess. and RCW 49.60.225; amending section 8, chapter 167, Laws of 1969 ex sess. and RCW 49.60.226; amending section 15, chapter 270, Laws of 1955 as amended by section 16, chapter 37, Laws of 1957 and RCW 49.60.230; amending section 16, chapter 270, Laws of 1955 as amended by section 17, chapter 37, Laws of 1957 and RCW 49.60.240; amending section 17, chapter 270, Laws of 1955 as amended by section 18, chapter 37, Laws of 1957 and RCW 49.60.250; amending section 19, chapter 37, Laws of 1957 and RCW 49.60.255; amending section 21, chapter 37, Laws of 1957 and RCW 49.60.260; amending section 22, chapter 37, Laws of 1957 and RCW 49.60.270; amending section 24, chapter 37, Laws of 1957 and RCW 49.60.290; amending section 10, chapter 183, Laws of 1949 as last amended by section 4, chapter 100, Laws of

1961 and RCW 49 60 310; amending section 11, chapter 183, Laws of 1949 and RCW 49 60 320, amending section 43.01 100, chapter 8, Laws of 1965 and RCW 43 01 100; adding a new section to chapter 37, Laws of 1957 and to chapter 49 60 RCW, and repealing section 25, chapter 37, Laws of 1957 and RCW 49 60 300

Referred to Committee on State Government

SENATE BILL NO. 508, by Senators Fleming and Ridder:

An Act relating to consumer protection, amending section 1, chapter 216, Laws of 1961 and RCW 19 86 010, and adding new sections to chapter 216, Laws of 1961 and to chapter 19.86 RCW

Referred to Committee on Commerce and Regulatory Agencies

#### MOTION

On motion of Senator Fleming, the name of Senator Ridder was added as a sponsor to Senate Bill No. 508

SENATE BILL NO. 509, by Senator Fleming.

An Act relating to apprenticeship, amending section 3, chapter 231, Laws of 1941 and RCW 49 04 040, adding new sections to chapter 231, Laws of 1941 and to chapter 49 04 RCW, repealing section 1, chapter 231, Laws of 1941, section 1, chapter 114, Laws of 1961, section 1, chapter 6, Laws of 1967 and RCW 49 04 010; and repealing section 6, chapter 231, Laws of 1941 and RCW 49.04 070

Referred to Committee on Labor and Industrial Insurance.

SENATE JOINT MEMORIAL NO. 7, by Senators Dore and Holman:

Petitioning congress to create a new circuit of the United States Court of Appeals to be centered in Seattle.

Referred to Judiciary Committee.

SENATE JOINT MEMORIAL NO. 8, by Senators Fleming and Ridder:

Petitioning congress for health care law for all Americans

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

#### MOTIONS

On motion of Senator Fleming, the name of Senator Ridder was added as a sponsor to Senate Joint Memorial No. 8.

On motion of Senator Metcalf, the following resolution was adopted:

#### SENATE RESOLUTION: 1971-13

By Senators Mardesich, Metcalf and Gissberg:

WHEREAS, The Paine Field air show has attracted great numbers of people for fourteen years, and, now as the Lynnwood Rotary International Air Fair, it receives national acclaim as one of the top six air shows on the North American continent; and

WHEREAS, It is the only air show to receive a one hundred percent rating from the Department of Defense out of four hundred sixty-four rated, and in addition it possesses the highest possible rating of the Federal Aviation Administration, and

WHEREAS, It is a charter member of the International Council of Airshows (and the only member to date in Washington state), and as a member of the executive board represents the entire Western United States; and

WHEREAS, It is the largest military and civilian air show west of the Mississippi and, with over one hundred and sixty booths, is the only air show in the Northwest that presents all facets of aerospace for public inspection; and

WHEREAS, It presents on public display categories representing the USAF, USA, USN, USMC, USCG, CAP, Foreign Military, Foreign Civilian Experimental, Homebuilt, General Aviation, NASA, Antique, and Commercial Aviation, and

WHEREAS, This show presents twenty-five separate aerial performances daily for



the two-day show and is the only show in the Northwest to present pylon racing to the public; and

WHEREAS, This show offers the opportunity for twenty other civic organizations to operate concessions to obtain needed funds to finance their public service functions, and

WHEREAS, This International Air Fair is the primary promoter of aviation in the state today and brings persons in to the area from other states and foreign countries each year and obtains much favorable publicity and recognition to Washington throughout the North American continent; and

WHEREAS, Eighty-five thousand people attended last year's two-day fair, thereby attesting to its popularity;

NOW, THEREFORE, BE IT RESOLVED, That the Lynnwood Rotary International Air Fair held at Paine Field, Washington, be recognized by the Senate as the official air show for the state of Washington.

#### MOTION

On motion of Senator Durkan, 5,000 additional copies of Senate Bill No. 45 were ordered printed

#### SIGNED BY THE PRESIDENT

The President signed.

SENATE CONCURRENT RESOLUTION NO 8

#### MOTIONS

On motion of Senator Ridder, Senate Bill No. 168 was ordered to hold its place on the second reading calendar for Friday, February 12, 1971.

On motion of Senator Taley, Senate Bill No 116 was ordered to hold its place on the second reading calendar for Friday, February 12, 1971.

#### SECOND READING

SENATE BILL NO. 158, by Senators Ridder, Peterson (Ted) and Knoblauch (by Joint Committee on Education request):

Changing monthly apportionment schedule for funds going from state general fund to school districts.

#### REPORT OF STANDING COMMITTEE

February 4, 1971.

SENATE BILL NO. 158, changing monthly apportionment schedule for funds going from state general fund to school districts (reported by Committee on Education)

MAJORITY recommendation: Do pass with the following amendment:

On page 2, section 1, line 15, after "[five]" strike "ten" and insert "eight"

Signed by: Senators Francis, Chairman; Gardner, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Stender, Washington.

The bill was read the second time by sections

On motion of Senator Ridder, the committee amendment was adopted.

On motion of Senator Ridder, the rules were suspended, Engrossed Senate Bill No. 158 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No 158, and the bill passed the Senate by the following vote Yeas, 44, absent or not voting, 2, excused, 3.

Voting yea. Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elcker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Maisson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson-44

Absent or not voting. Senators Fleming, Whetzel-2.

Excused. Senators Connor, McCutcheon, Woodall-3

ENGROSSED SENATE BILL NO 158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 363, by Senators Guess, Henry and Washington.

Providing for acquisition of property by public agencies.

The bill was read the second time by sections.

Senator Murray moved adoption of the following amendments by Senators Murray, Henry, Peterson (Ted), McDougall, Guess and Bailey.

On page 2, section 2, on line 14, after "witness fees" and before "if—" insert "subject to the provisions of subsection (4) of section 3 of this 1971 amendatory act."

On page 2, following section 2 add a new section to read as follows:

"Sec. 3. Section 3, chapter 137, Laws of 1967 ex. sess. and RCW 8.25.070 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) of this section, if a trial is held for the fixing of the amount of compensation to be awarded to the owner or party having an interest in the property being condemned [and if the condemnee has offered to stipulate to an order of immediate possession of the property being condemned], the court [may] shall award the condemnee reasonable attorney's fees and reasonable expert witness fees [actually incurred] in the event of any of the following:

[(1)] (a) If condemnor fails to make any written offer in settlement to condemnee at least thirty [court] days prior to commencement of said trial, or

[(2)] (b) If the judgment awarded as a result of the trial exceeds by ten percent or more the highest written offer in settlement submitted to those condemnees appearing in the action by condemnor at least thirty days prior to commencement of said trial; or

(3) If, in the opinion of the trial court, condemnor has shown bad faith in its dealings with condemnees relative to the property condemned]

(2) The attorney general or other attorney representing a condemnor in effecting a settlement of an eminent domain proceeding may allow to the condemnee reasonable attorney fees.

(3) Reasonable attorney fees and reasonable expert witness fees authorized by this section shall be awarded only if the condemnee stipulates, if requested to do so in writing by the condemnor, to an order of immediate possession and use of the property being condemned within fifteen days after receipt of the written request, or within fifteen days after the entry of an order adjudicating public use whichever is later and thereafter delivers possession of the property to the condemnor upon the deposit in court of a warrant sufficient to pay the amount offered as provided by law. In the event, however, the condemnor does not request the condemnee to stipulate to an order of immediate possession and use prior to trial, the condemnee shall be entitled to an award of reasonable attorney fees and reasonable expert witness fees as authorized by subsections (1) and (2) of this section.

(4) Reasonable attorney fees as authorized in this section shall not exceed the general trial rate, per day for actual trial time and the general hourly rate for preparation as provided in the minimum bar fee schedule of the county or judicial district in which the proceeding was instituted, or if no minimum bar fee schedule has been adopted in the county, then the trial and hourly rates as provided in the minimum bar fee schedule customarily used in such county. Not later than July 1, 1971 the administrator for the courts shall adopt a rule establishing standards for verifying fees authorized by this section.

(5) In no event may any offer in settlement be referred to or used during the trial for any purpose in determining the amount of compensation to be paid for the property.

#### MOTION

Senator Gissberg moved that Senate Bill No 363 and the pending amendment be held on the second reading calendar for Friday, February 12, 1971.

Debate ensued.

## POINT OF INQUIRY

Senator Dore: "Will Senator Peterson (Ted) yield to a question? Under section 2 it states that the attorney general or other attorney representing a condemnor in effecting a settlement of an eminent domain proceeding may allow to the condemnor reasonable attorney fees. I understand now instead of the court determining a reasonable attorney's fee, the attorney general shall determine that. Is that correct?"

Senator Peterson (Ted): "That is right."

Senator Dore: "It would give him quite a bit of leverage, wouldn't it? He may find that my services are not worth much, rather than Senator Andersen's. He might find that Senator Andersen's fees are very expensive."

Senator Peterson (Ted): "Senator, I would not say that but in your desire to help the city of Seattle, you would understand the position and we are just asking for the regular bar fee, that is all."

Senator Dore: "Would you have any objection if we put it back to the trial court rather than the attorney general because, after all the trial court has the parties before them and hears the evidence and so on. Do you object to that?"

Senator Peterson (Ted): "Senator Murray will answer you on that."

Senator Murray: "Senator Dore, I think this applies only to settlements prior to going to court, it has nothing to do with something that is going to court."

## POINT OF ORDER

Senator Mardesich: "The issue is the motion to hold the bill over, not the merits of the bill."

## RULING BY THE PRESIDENT

The President: "Senator Mardesich, Senator Murray had requested that discussion be held and Senator Gissberg, the President believes, has agreed."

Senator Dore: "I will withdraw my question."

The motion by Senator Gissberg carried. Senate Bill No. 363 and the pending amendment by Senators Murray, Henry, Peterson (Ted), McDougall, Guess and Bailey was ordered to hold its place on the second reading calendar for Friday, February 12, 1971.

SENATE BILL NO. 141, by Senators Huntley, Peterson (Lowell) and Talley  
Permitting minors under fourteen to use firearms when properly supervised.

## REPORT OF STANDING COMMITTEE

February 4, 1971

SENATE BILL NO. 141, permitting minors under fourteen to use firearms when properly supervised (reported by Judiciary Committee)

MAJORITY recommendation: Do pass with the following amendment:

In section 1, line 11 after "approved" and before "by" insert "for the purpose of this section"

Signed by Senators Gissberg, Chairman, Andersen, Atwood, Clarke, Foley, Greive, Holman, Twigg, Walgren, Woodall

The bill was read the second time by sections.

On motion of Senator Gissberg, the committee amendment was adopted

On motion of Senator Gissberg, the rules were suspended, Engrossed Senate Bill No 141 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No 141, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Darkan, Elucker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Mason, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted),

Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson-44.

Absent or not voting: Senators Fleming, Whetzel-2.

Excused: Senators Connor, McCutcheon, Woodall-3.

ENGROSSED SENATE BILL NO 141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO 130, by Representatives Chatalas, Wolf, Copeland, Anderson, Bledsoe, O'Brien, Conner, Bozarth, Backstrom, Grant, Johnson, Bottiger, Hurley, Sawyer, Perry, Litchman, Gallagher, Flanagan, Conway, Lynch, Kopet, Cunningham and Goldsworthy (by State Treasurer request):

Authorizing the state treasurer to cash certain checks for state officers and employees.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, House Bill No 130 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No 130, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson-45.

Absent or not voting: Senator Whetzel-1.

Excused: Senators Connor, McCutcheon, Woodall-3.

HOUSE BILL NO 130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Talley, Senate Bill No 142 was ordered to hold its place on the second reading calendar for Friday, February 12, 1971.

#### THIRD READING

SENATE CONCURRENT RESOLUTION NO 3, by Senators Mardesich, Atwood and Foley (by Legislative Budget Committee request):

Authorizing a study of community college funds

#### MOTION

On motion of Senator Atwood, Senate Concurrent Resolution No 3 was referred to the Committee on Rules and Joint Rules.

SENATE BILL NO 244, by Senators Holman and Francis (by Judicial Council request)

Relating to district courts

The Senate resumed consideration of Senate Bill No. 244 on third reading

The bill was read the third time and placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 244, and the bill passed the Senate by the following vote Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Ebcker, Fleming, Foley, Francis Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Wilson—44

Absent or not voting Senators Talley, Whetzel—2.

Excused: Senators Connor, McCutcheon, Woodall—3.

SENATE BILL NO. 244 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:20 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Friday, February 12, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## THIRTY-THIRD DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, February 12, 1971

The Senate was called to order at 11 00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Connor, Fleming, Gissberg, Guess, McCutcheon and Woodall. On motion of Senator Keefe, Senators Connor, Fleming, Gissberg and McCutcheon were excused. On motion of Senator McDougall, Senators Guess and Woodall were excused.

The Color Guard, consisting of Pages Terry Watson, Color Bearer and Patti Wallin presented the Colors. Reverend Charles Loyer, pastor of United Westminster Presbyterian Church of Olympia, offered prayer as follows:

"Eternal God and Father, as the legislature convenes on this birthday of the Great Emancipator we pray that the very memory of Him may awaken in our hearts the noblest of social and political aspirations. We covet for ourselves and for our political leaders those qualities which made Abraham Lincoln the man of the hour. A love for our nation and a commitment to preserve it, a belief in the sovereignty of the people, a readiness to listen to and identify with the humblest citizen; and a moral toughness in pursuing liberty and justice for all. Give to our nation, O God, the courage and the will to complete the work of emancipation proclaimed by Lincoln. Let freedom be the touchstone of all legislation, maximum freedom with the larger context of social responsibility. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

February 11, 1971

SENATE BILL NO. 35, authorizing Eastern Washington State College to grant certain bachelor degrees (reported by Committee on Higher Education and Libraries)

MAJORITY recommendation. Do pass.

Signed by: Senators Sandison, Chairman; Atwood, Foley, Francis, Gardner, Guess, Holman, Huntley, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

February 12, 1971.

SENATE BILL NO. 68, allowing vocational rehabilitation or retraining under industrial insurance coverage (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation. Do pass.

Signed by: Senators Stortiini, Chairman; Bailey, Mason, Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

February 11, 1971

SENATE BILL NO. 103, providing certain health measures relating to common schools (reported by Committee on Education)

MAJORITY recommendation. Do pass as amended.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Peterson (Ted), Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

February 11, 1971

SENATE BILL NO. 126, relating to nonprofit corporations (reported by Judiciary Committee)

MAJORITY recommendation. Do pass.

Signed by: Senators Gissberg, Chairman; Doré, Vice Chairman; Atwood, Clarke, Francis, Holman, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

February 11, 1971.

SENATE BILL NO. 129, providing compensation for accumulated sick leave for district classified or noncertificated employees (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman, Fleming, Gardner, Metcalf, Murray, Peterson (Ted), Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

February 11, 1971.

SENATE BILL NO. 133, transferring powers from the boards of trustees of community colleges to the college board (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Atwood, Foley, Francis, Gardner, Guess, Holman, Huntley, Metcalf, Scott.

Passed to Committee on Rules and Joint Rules for second reading.

February 11, 1971.

SENATE BILL NO. 208, submitting budgets of four state colleges and state universities to governor's control (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman, Atwood, Foley, Gardner, Guess, Henry, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

February 11, 1971.

SENATE BILL NO. 227, providing for the limiting of liability of physicians or hospitals for the provision of emergency medical or hospital care (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Clarke, Francis, Holman, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

February 11, 1971.

SENATE BILL NO. 264, providing financial aid to certain students attending elementary and secondary schools (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman, Fleming, Gardner, Metcalf, Murray, Peterson (Ted), Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

February 11, 1971.

SENATE BILL NO. 265, providing that financial aid for part time students shall include those receiving ancillary service from schools (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman, Fleming, Gardner, Metcalf, Murray, Peterson (Ted), Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

February 11, 1971.

SENATE BILL NO. 266, allowing school district joint purchasing agency to make certain purchases in cooperation with private schools (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman, Fleming, Gardner, Metcalf, Murray, Peterson (Ted), Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

February 12, 1971.

SENATE BILL NO. 410, providing for the regulation of horticultural plants (reported by Committee on Agriculture and Horticulture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Canfield, Day, Donohue, Huntley, Matson, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

## LETTER OF INFORMATION

February 12, 1971.

HONORABLE JOHN CHERBERG,  
PRESIDENT OF THE SENATE,  
LEGISLATIVE BUILDING,  
OLYMPIA, WASHINGTON 98501

MR. PRESIDENT.

The Senate Committee on Revenue and Taxation has referred the following bills to the full Committee on Ways and Means.

SENATE BILL NO. 45: Senior Citizens, Real Property Tax Exemption.

SENATE BILL NO. 71: Escheat of Postal Savings Act.

SENATE BILL NO. 87: Containers, Certain, Deposits, Tax Exempt.

Sincerely,  
HUBERT F. DONOHUE, Chairman,  
Revenue and Taxation Committee.

## MESSAGE FROM THE HOUSE

February 11, 1971.

Mr. President. The House has passed,  
ENGROSSED HOUSE BILL NO. 44,  
ENGROSSED HOUSE BILL NO. 66,  
HOUSE BILL NO. 88,  
ENGROSSED HOUSE BILL NO. 133,  
ENGROSSED HOUSE BILL NO. 134,  
ENGROSSED HOUSE BILL NO. 158,  
ENGROSSED HOUSE BILL NO. 181,  
HOUSE BILL NO. 215,  
ENGROSSED HOUSE BILL NO. 239,  
ENGROSSED HOUSE BILL NO. 244,  
ENGROSSED HOUSE JOINT RESOLUTION NO. 30,  
and the same are herewith transmitted MALCOLM McBEATH, Chief Clerk

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 510, by Senators Durkan, Lewis and Bailey (by Insurance Commissioner request)

An Act relating to insurance and health care programs for state employees and officials; amending section 1, chapter 39, Laws of 1970 ex sess. and RCW 41.05 010; and amending section 2 chapter 39, Laws of 1970 ex sess. and RCW 41 05 020

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO. 511, by Senators Day, McDougall and Odegaard.

An Act relating to private establishments, providing a basis for existing hospitals, nursing homes and boarding homes to be utilized as private establishments, and adding new sections to chapter 25, Laws of 1959 and to chapter 71.12 RCW

Referred to Committee on Public Institutions.

SENATE BILL NO. 512, by Senators McDougall and Bailey.

An Act relating to county government, providing for salaries of officials thereof; amending section 36 17 020, chapter 4, Laws of 1963 as last amended by section 1 chapter 226, Laws of 1969 ex sess. and RCW 36 17 020, amending section 36 27 060, chapter 4, Laws of 1963 as amended by section 2, chapter 226, Laws of 1969 ex sess. and RCW 36 27 060; and repealing section 36 32 320, chapter 4, Laws of 1963 as amended by section 4, chapter 218, Laws of 1967 and RCW 36.32.320

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 513, by Senators Washington, Murray and Ridder.

An Act relating to the control of beverage containers within the state, adding a new chapter to Title 69 RCW, declaring an effective date, and prescribing penalties.

Referred to Committee on Manufacturing and Industrial Development.



SENATE BILL NO. 514, by Senators Holman, Whetzel and Francis (by departmental request)

An Act relating to the extradition of persons charged with a crime, and to make uniform the law with reference thereto; adding new sections to chapter 10.88 RCW; repealing section 6, page 102, Laws of 1854, section 158, page 217, Laws of 1873, section 972, Code of 1881, and RCW 10.88.010, repealing section 6, part, page 102, Laws of 1854, section 972, part, Code of 1881, and RCW 10.88.020, repealing section 7, page 102, Laws of 1854, section 159, page 218, Laws of 1873, section 973, Code of 1881, and RCW 10.88.030; repealing section 8, page 103, Laws of 1854, section 160, page 218, Laws of 1873, section 974, Code of 1881, and RCW 10.88.040, repealing section 9, page 103, Laws of 1854, section 161, page 219, Laws of 1873, section 975, Code of 1881, and RCW 10.88.050, repealing section 10, page 103, Laws of 1854, section 162, page 219, Laws of 1873, section 976, Code of 1881, and RCW 10.88.060; prescribing penalties, and providing an effective date

Referred to Judiciary Committee.

SENATE BILL NO. 515, by Senators Lewis, Jolly and McDougall

An Act relating to revenue and taxation, and amending section 84.40.220, chapter 15, Laws of 1961 and RCW 84.40.220.

Referred to Committee on Ways and Means—Revenue and Taxation

SENATE BILL NO. 516, by Senators Day, McDougall and Odegaard.

An Act relating to nursing home administrators, reducing the annual license fee, amending section 8, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.080, and amending section 11, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.110.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO. 517 by Senator Mardesich:

An Act relating to the state's elderly citizens, providing certain state aid thereto, and creating new sections.

Referred to Committee on Public Institutions.

SENATE JOINT RESOLUTION NO. 26, by Senators Sandison, Holman, Foley and Clarke (by State Finance Committee request)

Allowing for contracting of debt by the state.

Referred to Committee on Ways and Means—Appropriations.

There being no objection, the rules were suspended and additional sponsors were added to Senate Joint Resolution No. 26

ENGROSSED HOUSE BILL NO. 44, by Representative Benitz:

Providing for the cancellation of county warrants after one year

Referred to Committee on Cities, Towns and Counties

ENGROSSED HOUSE BILL NO. 66, by Representatives Bottiger, Harris and Knowles (by Legislative Council request):

Classifying the property rights of persons having an interest in trust principal and persons having an interest in trust income.

Referred to Judiciary Committee

HOUSE BILL NO. 88, by Representatives Wolf, Charette and Bledsoe (by Legislative Council request)

Providing that port districts of less than county size cannot be formed

Referred to Committee on Cities, Towns and Counties.

ENGROSSED HOUSE BILL NO. 133, by Representatives North, Bottiger and Smythe (by Legislative Council request).

Providing for control by the boundary review boards of certain action by cities, towns or special purpose districts

Referred to Committee on Cities, Towns and Counties.

ENGROSSED HOUSE BILL NO. 134, by Representatives Merrill, Cunningham and Barden (by Legislative Council request).

Providing for reduction in the number of fire commissioners in a merged fire protection district.

Referred to Committee on Cities, Towns and Counties.

ENGROSSED HOUSE BILL NO. 158, by Representatives Shera, McCormick, Gladder, Bagnariol, Kopet, Morrison, Grant, Conway, Ceccarelli, Litchman, Marsh and Merrill (by Public Pension Commission request).

Consolidating state wide city employees' retirement system with the Washington public employees' retirement system.

Referred to Committee on Public Pensions and Social Security

ENGROSSED HOUSE BILL NO. 181, by Representatives Julin and Wojahn (by Judicial Council request).

Establishing when any statute of limitations is tolled

Referred to Judiciary Committee

HOUSE BILL NO. 215, by Representatives Smythe, Marsh, Hoggins, Zimmerman, Charette, Bauer, Backstrom, Chatalas, Curtis, Mentor and Moon (by Secretary of State request).

Providing for use of voting devices and vote tally systems in all elections and for listing of candidates thereat.

Referred to Committee on Constitution, Elections and Legislative Processes

ENGROSSED HOUSE BILL NO. 239, by Representatives Kopet, McDermott and Eikenberry:

Denying liability of persons withdrawing blood for intoxication test

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 244, by Representatives Julin, Bottiger, Wolf and Curtis.

Making larceny by check constitute grand larceny.

Referred to Judiciary Committee.

ENGROSSED HOUSE JOINT RESOLUTION NO. 30 by Representatives Smythe, Thompson, Biedsoe, Charette, Kilbury, Backstrom, Bauer, Blair, Ceccarelli, Chatalas, Conner, Costanti, Douthwaite, Gilleland, Grant, Jones, King, Kraabe, Litchman, Paris, Rabel, Rosellini and Savage (by executive and Secretary of State request):

Amending the Constitution to allow eighteen year-old vote and updates residency requirements.

Referred to Committee on Constitution, Elections and Legislative Processes

### PRESIDENT'S PRIVILEGE

The President: "Honored members of the Senate, ladies and gentlemen, Senator Reuben A. Knoblauch has called attention to the fact that this is February 12th, a day commemorating our great President, Abraham Lincoln.

"The members of the Senate who have been here in prior sessions and have served with one of the most distinguished and highly regarded men ever to serve in the Washington State Senate, Senator Ernest Lennart, will realize and remember that upon this particular day Senator Lennart would give an inspirational address commemorating Abraham Lincoln. Senator Knoblauch has suggested that the members of the Senate stand at this time in a moment of silent prayer in memory of the Honorable Ernie Lennart."

A moment of silence was observed by the Senate in memory of former Senator

Lennart and the Secretary of the Senate was instructed to notify Mrs. Lennart of this tribute

On motion of Senator Andersen, the following resolution was adopted

#### SENATE RESOLUTION: 1971-14

By All 49 Members:

WHEREAS, No man ever displayed a greater insight into the complex motives which shaped the public opinion of a free country than Abraham Lincoln, and he possessed, almost to the degree of instinct, the supreme quality of a statesman, of making the right decision, of making it at the right time and of expressing it in language of the right mode, and,

WHEREAS, Lincoln's teaching was and is that no party or partisan can escape responsibility to the people, that no party or presumed party advantage should ever divert us from the plain path of duty and honor, that rising about the temptation of temporary party advantage will be lasting gain in the respect and confidence of the people.

NOW, THEREFORE, LET US, IN LEGISLATIVE SESSION ASSEMBLED, on this day when we honor the memory of this great American, rededicate ourselves, to so speak, think and act that we promote, preserve and defend for ourselves and those who follow us the government of the people, by the people and for the people.

#### MOTION

On motion of Senator Knoblauch, Senate Resolution 1971-9 was ordered held until further notice.

#### PERSONAL PRIVILEGE

Senator Newshwander: "I would like to announce to the Senate that the candy being passed around is the compliments of one of the finest candy manufacturers in the nation. His firm is located in Pierce county. It is a compliment to the Senators from that county; Senators Knoblauch, Gardner, Stortini, McCutcheon and myself. Thank you."

#### MOTIONS

On motion of Senator Greive, Senate Bill No. 116 was ordered to hold its place on the second reading calendar for Monday, February 15, 1971.

On motion of Senator Dore, Senate Bill No. 363 was ordered placed at the beginning of the second reading calendar for Wednesday, February 17, 1971.

On motion of Senator Talley, Senate Bill No. 142 was ordered placed on the second reading calendar for Tuesday, February 16, 1971

#### SECOND READING

SENATE BILL NO 168, by Senators Wilson, Stender, Talley and Washington

Permitting tentative school district preliminary budgets when awaiting appropriations by legislature as to amount of state and available.

The Senate resumed consideration of Senate Bill No. 168 and the amendment as proposed by Senator Ridder on February 10.

There being no objection, the amendment by Senator Ridder was withdrawn.

Senator Ridder moved adoption of the following amendment by Senators Ridder and Atwood.

On page 2 following section 1 add a new section as follows.

"Sec. 2. Section 28A.65.170, chapter 223, Laws of 1969 ex. sess. as amended by section 36, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.170 are each amended to read as follows:

The budget as finally adopted shall constitute the appropriations of the district for the ensuing fiscal year and the board of directors shall be limited in the making of expenditures and the incurring of liabilities to the grand total of such appropriations. The board of directors shall make no expenditures nor incur any liability for any purpose not provided for in said budget, except for emergencies as hereinabove provided for. Expenditures made, liabilities incurred, or warrants issued in excess of said appropriations shall not be a liability of the district, but shall subject the members of any board of directors violating any provision of this section to personal liability in the full amount thus expended or contracted

for, and each director shall immediately forfeit his office] PROVIDED, That no board of directors shall be prohibited from making expenditures for the payment of regular employees and for the necessary repairs, and upkeep of the school plant during the interim while the budget is being settled. PROVIDED FURTHER That transfers between budget classes may be made by the school district's chief administrative officer or finance officer subject to such regulations as may be imposed by the school district board of directors. PROVIDED FURTHER, That over-expenditures made in violation of this statute shall not be a liability of said district. Directors, officers or employees who knowingly or negligently violate or participate in a violation of this statute by the making of expenditures, incurring of liabilities or issuing of warrants in excess of appropriations may be held civilly liable jointly and severally for all consequential damages, or not less than three hundred dollars as liquidated damages, for each such violation. If as a result of a civil or criminal action the violation is found to have been wilful, such director, officer or employee who is found to have knowingly participated in such wilful breach shall immediately forfeit his office or employment and the judgment in such action shall so provide. Nothing in this section shall be construed to limit the duty of the attorney general to recover from any director, officer, employee, or other person the full amount of such over expenditure in a civil action under RCW 43.09.250 as now or hereafter amended."

Senator Clarke moved adoption of the following amendment to the amendment by Senators Ridder and Atwood:

In the last two lines of the underlined material in Sec 2, strike "the full amount of such over expenditure"

Debate ensued

#### POINT OF INQUIRY

Senator Ridder: "Would Senator Clarke yield to a question? To get this into the record, would this amendment in any way restrict the State Auditor under RCW 43 09 260 from recovering?"

Senator Clarke: "It is not my intention and I do not believe that this would be the effect. It is the intent to leave RCW 43 09 260 and all of the remedies presently existing in exactly the same status as they now are. The intent is simply that this particular enactment does not direct the Attorney General that in proceeding under such section he must seek to recover the full amount of any such over expenditure."

#### POINT OF INQUIRY

Senator Stender: "I fail to understand how we can have directors responsible and then pass a statute that says they are not responsible and that is what you are doing in this amendment. It says, 'PROVIDED FURTHER, That over expenditures made in violation of this statute shall not be the liability of such districts'. Now what does that mean?"

Senator Ridder: "If we overbudget and let us say we overbudget by five thousand dollars, if the district becomes liable for that five thousand dollars of overbudgeting, the only way we can recover from the school district is to pass a special levy for the people of the district to put out the five thousand dollars. However, this is up to the people of the district whether they want to pass that levy or not."

"So in actuality, you cannot put this liability upon the school district. It is like grabbing a slippery eel. It just is not fair. It has to be placed upon somebody, and whoever assumes the negligence or the willfulness in this case, the school district or an employee who would be guilty of this overuse of the money, would be guilty, and this is who we are after."

Senator Stender: "But you put a limitation of three hundred dollars on the directors. It seems to me this is just a bill to take the directors off the hook for liability that they are actually agreeing to."

Senator Ridder: "It says 'or not less than three hundred dollars of liquidated damages or in cash value . . . not less than three hundred dollars.' If it is less than, you take consequential damages."

#### MOTIONS

On motion of Senator Atwood, Senator Lewis was excused.

On motion of Senator Wilson, Senate Bill No. 168 and the pending amendment by Senators Ridder and Atwood and the amendment to the amendment by Senator Clarke was made a special order of business at 12:50 p.m. today

SENATE BILL NO. 40, by Senators Francis and Andersen

Establishing procedures relative to records of personal representatives.

## REPORT OF STANDING COMMITTEE

January 27, 1971.

SENATE BILL NO. 40, establishing procedures relative to records of personal representatives (reported by Judiciary Committee):

MAJORITY recommendation Do pass with the following amendments.

Strike all of section 1 and renumber remaining section

On page 2, section 2, subsection (2), line 8, after "destroyed" and before the period insert " *PROVIDED, That all receipts and cancelled checks filed by a personal representative pursuant to RCW 11 76 100 and complying with condition (1) above may be removed from the file by order of the court and destroyed the same as an exhibit pursuant to RCW 36 23 070*"

Beginning on line 1 of the title after "procedure," strike all of the material down to and including "and" on line 2.

Signed by: Senators Gissberg, Chairman, Dore, Vice Chairman: Andersen, Atwood, Clarke, Francis, Greive, Holman, Twigg, Walgren, Woodall

The bill was read the second time by sections.

Senator Andersen moved adoption of the committee amendments.

Debate ensued.

The committee amendment striking section 1 and the committee amendment to page 2 were adopted

## MOTION

On motion of Senator Andersen, Senate Bill No. 40 was ordered placed at the end of the calendar for today.

SENATE BILL NO. 160, by Senators Wilson, Peterson (Ted) and Odegaard

Changing basis of weighing of votes for state board of education members.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 160 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 160, and the bill passed the Senate by the following vote. Yeas, 42, excused, 7.

Voting yea. Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Francis, Gardner, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougal, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortum, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—42

Excused Senators Connor, Fierning, Gissberg, Guess, Lewis, McCutcheon, Woodall—7

SENATE BILL NO. 160 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act

## PRESIDENT'S PRIVILEGE

The President. "Renowned members of the Senate, ladies and gentlemen, there is a delegation of outstanding and dedicated American citizens who are awaiting the pleasure of the members of the Senate to receive them.

"These worthy citizens are members of a Veterans of World War I organization and are headed by Mr. Albert Fox and Mr. Guy Stickney. Mr. Stickney is the National Americanism and Defense Director of the Veterans of World War I. This group also includes Mrs. Harriet A. Powers, who is Past National Americanism Chairman."

With leave of the Senate, business was suspended to permit Mrs. Powers to address the Senate

Copies of the American Creed were presented to each member of the Senate

## REMARKS BY SENATOR KNOBLAUCH

Senator Knoblauch: "Thank you, Governor Cherberg. In behalf of the members of the Washington State Senate, I would like to thank you veterans of World War I for these beautiful copies of the American Creed that you have presented to us today. These words were conceived in 1916 by William Tyler Page and they are just as precious in 1971 as they were when they were written in 1916.

"As a veteran of World War II, let me tell you folks that we in the Senate and the members and our guests in the gallery are most proud of the fact that you served your country in time of war in the American uniform and that in 1971 in civilian clothes you are standing up for what you feel is right and fighting to keep America strong.

"We members of the Senate and the people of our state owe you so much for what you have done for your country and I would like to point out to you folks today that one of the members of the Senate whom we treasure very much as a fine friend and an excellent Senator is our good friend, Senator Damon Canfield.

"Again, many thanks to you folks for this beautiful American Creed and it is so nice that this was presented to us on Lincoln's birthday. Thank you so much and God bless you all."

## PRESIDENT'S PRIVILEGE

The President: "Thank you very much, Senator Knoblauch. The President at this time should like to introduce to you Mr. Al Fox who is one of the few remaining masters of autography and choroigraphy remaining in the world today. Mr. Fox is the gentleman who wrote the American Creed or whose beautiful ability in choroigraphy enabled him to draft this American Creed that has been placed on your desk. The President has a special appreciation for such wonderful penmanship, having won a certificate in the Palmer method a number of years ago.

"Thank you very much, ladies and gentlemen. We certainly enjoyed your presence here today."

## APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence within the bar of the Senate the Honorable Floyd V. Hicks, United States Representative from the Sixth Congressional District of Washington, and appointed a special committee of Senators Stortini, Walgren, Elcker, Knoblauch and Newschwander to escort the honored guest to a place of honor upon the rostrum.

Representative Hicks was introduced to the members by Senator Gordon Walgren.

With leave of the Senate, business was suspended to permit Congressman Hicks to address the Senate.

The committee of honor escorted the guest from the Senate Chamber.

## SECOND READING

SENATE BILL NO. 122, by Senators Gissberg, Dore, Andersen and Greive (by Joint Committee on Governmental Cooperation request)

Modifying existing laws to include the court of appeals.

## REPORT OF STANDING COMMITTEE

February 4, 1971.

SENATE BILL NO. 122, modifying existing laws to include the court of appeals (reported by Judiciary Committee)

MAJORITY recommendation: Do pass with the following amendments:

On page 144, section 183, subsection (12), line 32, after the semicolon insert "and"

Beginning on page 144, section 183, subsection (13), after "RCW 2.32.350" insert a period and strike the remainder of the section.

On page 8, beginning on line 32 of the title, after "RCW 2.32.350;" strike all of the material down to and including "RCW 4.32.190;" on page 9, line 1.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Atwood, Clarke, Foley, Francis, Greive, Homan, Twigg, Woodall.

The bill was read the second time by sections.

On motion of Senator Dore, the committee amendments were adopted.

On motion of Senator Dore, the rules were suspended, Engrossed Senate Bill No. 122 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 122, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Ellicker, Foley, Francis, Gardner, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson - 43.

Excused: Senators Connor, Fleming, Gissberg, Guess, McCutcheon, Woodall - 6

ENGROSSED SENATE BILL NO. 122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 333, by Senators Jolly, Peterson (Lowell) and Peterson (Ted).

Establishing per diem and travel allowances for the game commission.

The bill was read the second time by sections.

On motion of Senator Jolly, the rules were suspended, Senate Bill No. 333 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 333, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Ellicker, Foley, Francis, Gardner, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson - 42.

Absent or not voting: Senator Lewis - 1.

Excused: Senators Connor, Fleming, Gissberg, Guess, McCutcheon, Woodall - 6

SENATE BILL NO. 333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 79, by Senators Ellicker, Fleming and Herr (by Public Pension Commission request):

Providing for inclusion of court of appeals judges in judges' retirement system.

## REPORT OF STANDING COMMITTEE

February 1, 1971.

SENATE BILL NO. 79, providing for inclusion of court of appeals judges in judges' retirement system (reported by Committee on Public Pensions and Social Security).

MAJORITY recommendation: Do pass with the following amendment.

On page 6, section 2, line 7, after "RCW 1.12.050" and before the period insert "and whenever words importing the feminine gender and used in the provisions of this chapter they may be extended to males".

Signed by: Senators Fleming, Chairman, Day, Herr, Murray

The bill was read the second time by sections.

On motion of Senator Ellicker, the committee amendment was adopted.

On motion of Senator Ellicker, the rules were suspended, Engrossed Senate Bill No. 79 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 79, and the bill passed the Senate by the following vote: Yeas 41, nays, 1, absent or not voting, 1; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Francis, Gardner, Graue, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardosch, Matson, Metcalf, Murray, Newschwander, Odagaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—41.

Voting nay: Senator Ridder—1.

Absent or not voting: Senator Hofman—1.

Excused: Senators Connor, Fleming, Gissberg, Guess, McCutcheon, Woodall—6.

ENGROSSED SENATE BILL NO. 79, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 320, by Senator Durkan (by State Auditor request)

Replacing the auditor with the lieutenant governor on the public employees' retirement board.

The bill was read the second time by sections.

On motion of Senator Durkan, the rules were suspended, Senate Bill No. 320 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 320, and the bill passed the Senate by the following vote: Yeas, 41, nays, 1, absent or not voting, 1, excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Francis, Gardner, Grewe, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardosch, Matson, Metcalf, Murray, Newschwander, Odagaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Wagren, Washington, Whetzel, Wilson—41.

Voting nay: Senator Scott—1.

Absent or not voting: Senator Keefe—1.

Excused: Senators Connor, Fleming, Gissberg, Guess, McCutcheon, Woodall—6.

SENATE BILL NO. 320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SPECIAL ORDER OF BUSINESS

SENATE BILL NO. 168, by Senators Wilson, Stender, Talley and Washington.

Permitting tentative school district preliminary budgets when awaiting appropriations by legislature as to amount of state aid available.

The time having arrived, the Senate resumed consideration of Senate Bill No. 168 and the pending amendment by Senators Ridder and Atwood and the amendment to the amendment by Senator Clarke.

Debate ensued.

The motion by Senator Clarke carried and the amendment to the amendment was adopted.

The motion by Senator Ridder carried and the amendment by Senators Ridder and Atwood as amended by Senator Clarke was adopted.



On motion of Senator Ridder, the following amendment to the title by Senators Ridder and Atwood was adopted:

On page 1, line 4 of the title after the semicolon and before "and adding" insert "amending section 28A.65.170, chapter 223, Laws of 1969 ex. sess. as amended by section 36, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.170."

### MOTIONS

On motion of Senator Knoblauch, Senator Keefe was excused

On motion of Senator Ridder, the rules were suspended, Engrossed Senate Bill No. 168 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

Debate ensued

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 168, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1, excused, 7.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Francis, Gardner, Greve, Henry, Herr, Holman, Huntley, Joly, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortum, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—41.

Voting nay: Senator Stender—1.

Excused: Senators Connor, Fleming, Gissberg, Guess, Keefe, McCutcheon, Woodall—7.

ENGROSSED SENATE BILL NO. 168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

At 1:05 p.m. on motion of Senator Greve, the Senate adjourned until 12:00 noon, Monday, February 15, 1971.

JOHN A. CHERBERG, President of the Senate  
SIDNEY R. SNYDER, Secretary of the Senate.

## THIRTY-SIXTH DAY

## NOON SESSION

Senate Chamber, Olympia, Wash., Monday, February 15, 1971

The Senate was called to order at 12:00 noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Flicker, Gardner, Gissberg, Keefe and Whetzel. On motion of Senator Knoblauch, Senators Gardner, Gissberg and Keefe were excused. On motion of Senator McDougall, Senators Flicker and Whetzel were excused.

The Color Guard, consisting of Pages Steve Clarke, Color Bearer, and Becky Taylor, presented the Colors. Reverend J. Alan Justad, pastor of Olympia First United Church of Olympia, offered prayer as follows:

"O Father God, give us men to match our mountains, the Cascades and the Olympics. Also give us Senators to match the mountains of heart beating legislation for the homeless, the unemployed and the dispossessed. So strengthen and surround each Senator here with Thy courage and Thy love that they may stand as sentinels in our evergreen-clad land. As we pause to pay respect to Abraham Lincoln, we remember him as another great public servant who had the same awesome task of holding this divided Nation together. May we ponder his words as they apply to each Senator here, 'The world will little note what we say here, but they shall never forget what we did here.' May we set our sites so high about party preference and personal gain, that it might truly be said of each Senator as it was of the great emancipator as he faced the final bar of justice: 'He fell in whirlwind, he went down just as a lordly cedar, green with boughs goes down with a great shout upon the hills and leaves a lonesome place against the sky.' Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

February 11, 1971.

SENATE BILL NO. 135, providing an assessment on each meat food animal to support the livestock disease diagnostic service (reported by Committee on Agriculture and Horticulture).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Canfield, Day, Donohue, Huntley, Matson, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

February 11, 1971.

SENATE BILL NO. 447, providing for publication and distribution of court of appeals reports (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Clarke, Francis, Holman, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

February 11, 1971.

SENATE BILL NO. 448, providing for appeals procedures to the court of appeals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Clarke, Francis, Holman, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

February 12, 1971.

SENATE CONCURRENT RESOLUTION NO. 9, continuing the temporary forest tax committee (reported by Committee on Ways and Means)

MAJORITY recommendation. Do pass.

Signed by: Senators Durkan, Chairman; Bailey, Canfield, Donohue, Dore, Foley, Herr, Holman, Jolly, Lewis, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Scott, Stortini, Twigg, Wagren, Washington, Wilson.

Passed to Committee on Rules and Joint Rules for second reading

#### MESSAGES FROM THE HOUSE

February 12, 1971.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

February 12, 1971.

Mr. President: The Speaker has signed HOUSE BILL NO. 130, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 518, by Senator Guess:

An Act relating to higher education, and declaring an emergency.

Referred to Committee on Higher Education and Libraries

SENATE BILL NO. 519, by Senator Talley.

An Act relating to coin and stamp purchasers.

Referred to Judiciary Committee

SENATE BILL NO. 520, by Senators Peterson (Lowell), Peterson (Ted) and Talley:

An Act relating to food fish and shellfish.

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO. 521, by Senators Peterson (Lowell), Peterson (Ted) and Talley.

An Act relating to food fish and shellfish

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 522, by Senators Keefe, Day and Fleming

An Act relating to the Washington public employees' retirement system, amending section 43, chapter 274, Laws of 1947 as last amended by section 13, chapter 128, Laws of 1969, and RCW 41 40.410; and declaring an emergency.

Referred to Committee on Public Pensions and Social Security.

SENATE BILL NO. 523, by Senators Guess and McDougall (by departmental request)

An Act relating to personnel board rules and regulations; and amending section 15, chapter 1, Laws of 1961 as amended by section 13, chapter 108, Laws of 1967 ex. sess. and RCW 41 06.150.

Referred to Committee on State Government

SENATE BILL NO. 524, by Senators McDougall, Odegaard and Matson (by departmental request).

An Act relating to foods, drugs, and cosmetics, amending section 29, chapter 257, Laws of 1945 and RCW 69.04 110; amending section 3, chapter 198, Laws of 1963 and RCW 69 04 392, amending section 4, chapter 198, Laws of 1963 and RCW 69 04 394, amending section 6, chapter 198, Laws of 1963 and RCW 69.04 396 and adding a new section to chapter 69.04 RCW.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO. 525, by Senators Matson, Odegaard and McDougall (by departmental request):

An Act relating to meat, poultry and poultry product inspection; amending section 54, chapter 145, Laws of 1969 ex sess and RCW 16.49A.560; amending section 60, chapter 145, Laws of 1969 ex sess and RCW 16.49A.570, amending section 68, chapter 145, Laws of 1969 ex sess, and RCW 16.49A.600, amending section 58, chapter 146, Laws of 1969 ex sess and RCW 16.74.610, and adding a new section to chapter 146, Laws of 1969 ex sess. and to chapter 16.74 RCW

Referred to Committee on Agriculture and Horticulture

SENATE BILL NO. 526, by Senators Greive, Stender and Cooney

An Act relating to special purpose districts, providing that sewer or water districts may provide term life insurance for employees or commissioners; amending section 1, chapter 261, Laws of 1961 and RCW 56.08.100, and amending section 2, chapter 261, Laws of 1961 and RCW 57.08.100

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO 527, by Senator Talley:

An Act relating to family courts, amending section 14, chapter 50, Laws of 1949 and RCW 26.12.140, and amending section 17, chapter 50, Laws of 1949 and RCW 26.12.170

Referred to Judiciary Committee.

SENATE BILL NO 528, by Senators Peterson (Lowell) and Talley

An Act relating to navigation

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO. 529, by Senators Greive, Cooney and Twigg:

An Act relating to intoxicating liquor, and adding a new section to chapter 62, Laws of 1933 ex sess. and to Title 66 RCW

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO 530, by Senators Ridder, Odegard, Canfield and Jolly (by Superintendent of Public Instruction request):

An Act relating to education; defining certain terms, and adding new sections to chapter 223, Laws of 1969 ex sess and to chapter 28A.09 RCW

Referred to Committee on Education

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No 530

SENATE BILL NO 531, by Senators Newschwander, Odegard and Canfield (by Superintendent of Public Instruction request):

An Act relating to education; and setting forth powers and duties of the superintendent of public instruction, amending section 28A.03.030, chapter 223, Laws of 1969 ex sess as amended by section 102, chapter 176, Laws of 1969 ex sess. and RCW 28A.03.030, and declaring an emergency.

Referred to Committee on Education

SENATE BILL NO 532, by Senators Odegard and Peterson (Ted) (by Superintendent of Public Instruction request).

An Act relating to education

Referred to Committee on Education

SENATE BILL NO. 533, by Senators Ridder and Odegard (by Superintendent of Public Instruction request)

An Act relating to vocational education.

Referred to Committee on Education

SENATE BILL NO 534, by Senators Ridder, Odegard, Gardner, Jolly and Peterson (Ted) (by Superintendent of Public Instruction request):

An Act relating to vocational education in the state of Washington.

Referred to Committee on Education

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 534

SENATE BILL NO. 535, by Senators Gardner, Odegaard and Peterson (Ted) (by Superintendent of Public Instruction request):

An Act relating to education, amending section 28A.44.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.040, amending section 28A.44.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.050, amending section 28A.48.040, chapter 223, Laws of 1969 ex. sess., as amended by section 8, chapter 130, Laws of 1969 and RCW 28A.48.040, amending section 28A.48.050, chapter 223, Laws of 1969 ex. sess., as amended by section 110, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.050, amending section 28A.48.060, chapter 223, Laws of 1969 ex. sess., as amended by section 112, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.060; and declaring an emergency

Referred to Committee on Education

SENATE BILL NO. 536, by Senators Ridder, Odegaard and Peterson (Ted) (by Superintendent of Public Instruction request):

An Act relating to vocational-technical education.

Referred to Committee on Education

SENATE BILL NO. 537, by Senators Francis, Odegaard and Scott (by Superintendent of Public Instruction request):

An Act relating to education, providing funds for proper student body purposes, and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW

Referred to Committee on Education

SENATE BILL NO. 538, by Senators Matson, Ridder and Murray

An Act relating to pesticides; setting forth the responsibility and authority of the department of social and health services in relation thereto, and creating new sections

Referred to Committee on Agriculture and Horticulture

SENATE BILL NO. 539, by Senators Ridder, Odegaard and Canfield (by Superintendent of Public Instruction request):

An Act relating to education, and amending section 28B.50.240, chapter 223, Laws of 1969 ex. sess. as amended by section 24, chapter 261, Laws of 1969 ex. sess. and RCW 28A.09.100

Referred to Committee on Education

SENATE BILL NO. 540, by Senators Gardner, Newschwander, Canfield and Bailey (by Superintendent of Public Instruction request):

An Act relating to education, providing for a rescheduled or extended school year, amending section 28A.41.130, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 138, Laws of 1969 and RCW 28A.41.130, amending section 15, chapter 15, Laws of 1970 ex. sess. and RCW 28A.48.010, adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and declaring an emergency.

Referred to Committee on Education

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 540.

SENATE BILL NO. 541, by Senators Andersen and Day (by departmental request)

An Act relating to state government, amending the state civil service law to provide for one or more hearing examiners, amending section 11, chapter 1, Laws of 1961 and RCW 41.06.110, amending section 12, chapter 1, Laws of 1961 and RCW 41.06.120; amending section 17, chapter 1, Laws of 1961 and RCW 41.06.170; and adding a new section to chapter 1, Laws of 1961 and to chapter 41.06 RCW

Referred to Committee on State Government

**SENATE BILL NO. 542, by Senators Whetzel, Talley and Clarke:**

An Act relating to sewer districts, providing that sewer districts may include within their boundaries parts of more than one county, amending section 1, chapter 210, Laws of 1941 as last amended by section 1, chapter 140, Laws of 1945 and RCW 56.04.020, amending section 2, chapter 210, Laws of 1941 as amended by section 2, chapter 140, Laws of 1945 and RCW 56.04.030, amending section 11, chapter 210, Laws of 1941 as last amended by section 2, chapter 103, Laws of 1959 and RCW 56.08.020, amending section 44, chapter 210, Laws of 1941 as amended by section 1, chapter 71, Laws of 1965, and RCW 56.08.070, amending section 8, chapter 210, Laws of 1941 as last amended by section 9, chapter 250, Laws of 1953 and RCW 56.12.030, amending section 9, chapter 210, Laws of 1941 as last amended by section 81, chapter 56, Laws of 1970 and RCW 56.16.060, amending section 23, chapter 210, Laws of 1941 as amended by section 14, chapter 250, Laws of 1953 and RCW 56.16.100, amending section 24, chapter 210, Laws of 1941 as amended by section 15, chapter 250, Laws of 1953 and RCW 56.16.110, amending section 46, chapter 210, Laws of 1941 as amended by section 13, chapter 103, Laws of 1959 and RCW 56.16.140, amending section 15, chapter 103, Laws of 1959 and RCW 56.16.160, amending section 26, chapter 210, Laws of 1941 and RCW 56.20.010, amending section 28, chapter 210, Laws of 1941 as amended by section 18, chapter 250, Laws of 1953 and RCW 56.20.030, amending section 33, chapter 210, Laws of 1961 as amended by section 1, chapter 126, Laws of 1969 and RCW 56.20.070, amending section 32, chapter 210, Laws of 1941 as amended by section 2, chapter 40, Laws of 1965 ex. sess. and RCW 56.20.080, amending section 1, chapter 11, Laws of 1967 ex. sess. and RCW 56.24.070, amending section 4, chapter 11, Laws of 1967 ex. sess. and RCW 56.24.100, and amending section 8, chapter 11, Laws of 1967 ex. sess. and RCW 56.24.140.

Referred to Committee on Cities, Towns and Counties.

**SENATE BILL NO. 543, by Senators Matson, Mardesich and Twigg**

An Act relating to legislative review of agency rules and regulations; and amending section 1, chapter 186, Laws of 1963 and RCW 34.04.160.

Referred to Committee on State Government.

**SENATE BILL NO. 544, by Senator Bailey**

An Act relating to food fish licenses, and adding a new section to chapter 75.28 RCW. Referred to Committee on Natural Resources, Fisheries and Game.

**SENATE JOINT RESOLUTION NO. 27, by Senators Ellicker, Washington and Whetzel**

Establishing constitutional reapportionment procedure.

Referred to Committee on Constitution, Elections and Legislative Processes.

**SIGNED BY THE PRESIDENT**

The President signed  
HOUSE BILL NO. 130

**MOTIONS**

On motion of Senator Sandison, the Committee on Higher Education and Libraries was relieved of further consideration of Senate Bill No. 43.

On motion of Senator Sandison, Senate Bill No. 43 was referred to the Committee on Education.

At 12:20 p.m., on motion of Senator Greive, the Senate recessed until 1:50 p.m.

**AFTERNOON SESSION**

The President called the Senate to order at 1:50 p.m.

At 1:55 p.m., the Senate retired to the House chamber to meet in Joint Session for the purpose of participating in Memorial Services.

## JOINT SESSION

The Sergeant at Arms announced the arrival of the Senate at the bar of the House

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort the President and President Pro Tempore of the Senate to seats on the rostrum beside the Speaker

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort the Senators to seats within the House Chamber.

The Speaker turned the gavel over to the President of the Senate.

The Secretary of the Senate called the roll of the Senate and all members were present except Senator Stender who had previously been excused

The Clerk of the House called the roll of the House, and all members were present except Representatives Bledsoe and Rosellini who were excused.

The President of the Senate: "Honorable members of the legislature, ladies and gentlemen: The purpose of this joint session of the Washington State Legislature is remarkably well stated in your program and a tribute to the memories of our former members of the House and Senate who have passed from among us during the preceding biennium of the Forty Second Legislative Session and it conveys its respect on behalf of the people of our state. May the memory of their dedicated service remain in our hearts."

The President requested that Senator Guess and Representative Wojahn escort Representative Kirk to a seat on the rostrum.

The President of the Senate: "Honorable members of the Washington State Legislature, ladies and gentlemen: It is indeed a pleasure for the President to present to you at this time a longtime friend, Mrs. Kirk, in addition to being a dedicated and conscientious member of the House of Representatives, is a loving wife and mother, and a homemaker who is one of the most popular people, if not the most popular person, in the 36th District. In addition to her numerous services to the State of Washington, she is also a member of the Business and Professional Women's Club, the American Legion Auxiliary, Past President's Assembly, Health Facilities Planning Board, Committee on Planning Affiliates, Washington Association of Retarded Children, and King County Advisory Committee to the State Department of Public Assistance. Mrs. Kirk is presently in her eighth term as a legislator and is considered by all who know her as being one of the most capable members of the legislature. It is with great honor and pride that the President presents to you at this time Mrs. Gladys Kirk."

The President of the Senate turned the gavel over to Representative Kirk

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard

The following memorial services were observed

## MEMORIAL PROGRAM

## INVOCATION

by

Reverend Richard Denham

Bethany United Presbyterian Church, Seattle

23rd Psalm . . . . . Representative Kiskaddon  
Accompanist, Dick Woodruff

"CHOIR OF THE WEST" Pacific Lutheran University

Maurice Skones, Director

"Agnus Dei" . . . . . Samuel Barber

"Make Us One" . . . . . Paul Christiansen

"Regeneration" . . . . . F. M. Christiansen

Memorial Tribute . . . . . Thomas A. Swayze, Jr.  
Flower Tribute by Members of Senate and House

The Lord's Prayer . . . . . Representative Kiskaddon  
Accompanist, Dick Woodruff

Benediction . . . . . Reverend Richard Denham  
Bethany United Presbyterian Church, Seattle

Taps . . . . . Scott Mather  
Olympia High School

## IN MEMORIAM

In tribute to the memories of our distinguished former members of the House and Senate who have passed from among us during the preceding biennium, the Forty second Legislative Session of the State of Washington conveys its respects on behalf of the people of our State. May the memory of their dedicated service remain in our hearts.

*In Memory of.*

Homer T. Bone  
Ward Bowden  
W. Ward Davison  
Earle C. Douglas  
Joseph Drumheller  
A. E. Edwards  
H. E. Goldsworthy  
Myron F. Hawley  
David Hoefel  
N. C. Mann  
Shirley R. Marsh  
Kermit W. McKay  
Frank O. Miller  
Sverre N. Omdahl  
Clarence Orndorff  
W. C. Raugust  
Charles A. Richey  
Thomas E. Smith  
Harry H. Swofford

*Tribute by*

A. A. Adams  
Gordon Sandison  
Peter D. Francis  
Lois North  
Robert W. Twigg  
R. Frank Atwood  
Robert F. Goldsworthy  
Donald G. Hansey  
Otto Amen  
Donn Charney  
Don L. Talley  
Doris Johnson  
Warren Smith  
Duane L. Berentson  
Carlton A. Gladder  
Damon R. Canfield  
Dave Ceccarelli  
Robert A. Perry  
Gary M. Odegaard

Representative Kirk returned the gavel to the President of the Senate

On motion of Mrs. Kirk, the joint session was dissolved

President Cherberg: "Mr. Speaker, members of the House, ladies and gentlemen, thank you very much. You have our compliments in this very impressive ceremony."

The President of the Senate returned the gavel to the Speaker of the House

Speaker Swayze: "Thank you, Mr. President. Our thanks go to the Memorials Committee, Representative Gladys Kirk, Chairman, Senators Booth Gardner, Sam C. Guess and James E. Keefe; and Representatives Bill Kiskaddon and Lorraine Wojahn."

The Speaker directed the Sergeants at Arms of the Senate and the House to escort the President and President Pro Tempore to the Senate Chamber.

The Speaker directed the Sergeants at Arms of the Senate and the House to escort the members of the Senate to the Senate Chamber.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 2:50 p.m.

## MOTION

At 2:55 p.m., on motion of Senator Atwood, the Senate adjourned until 11:00 a.m., Tuesday, February 16, 1971

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate



## THIRTY-SEVENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, February 16, 1971

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry The Secretary called the roll and announced to the President that all Senators were present except Senators Canfield, Gissberg, Jolly, Keefe, Stender and Whetzel. On motion of Senator Knoblauch, Senators Gissberg, Keefe and Jolly were excused. On motion of Senator McDougall, Senators Stender and Whetzel were excused. On motion of Senator Metcalf, Senator Canfield was excused.

The Color Guard, consisting of Pages Nancy Bowden, Color Bearer, and Jim Alexander presented the Colors. Reverend J. Alan Justad, pastor of First United Methodist Church of Olympia, offered prayer as follows:

"O Father, help us to become increasingly aware that Your loving guidance is constantly with these distinguished Senators as they wrestle night and day with the overwhelming problems which confront our great state of Washington. Make us truly aware that we can turn to Thee with any problem, at any time and that we can join with Abraham Lincoln in saying, 'I am satisfied that when the Almighty wants me to do, or not to do a particular thing, He finds a way of letting me know it.' Then most truly Thy guiding power will help us to turn our problems into opportunities. Now, our Father, completely surround each Senator, his home and his loved ones with Thy protective love. Bless in a very special way each family of their constituency who are praying for and placing their complete trust on the decisions made here. May it truly be said of this great Senate, that here in this lovely northwest corner of our magnificent country, the world will take note 'that during the worst times, they were doing the best things'. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

February 12, 1971.

SENATE BILL NO. 46, increasing property tax exemption for senior citizens (reported by Committee on Ways and Means).

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Foley, Herr, Jolly, Lewis, Mardesich, Metcalf, Odagaard, Peterson (Lowell), Sandison, Scott, Stortini, Walgren, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

February 12, 1971

SENATE BILL NO. 150, specifying date for deposit of funds in outdoor recreational bond redemption fund (reported by Committee on Ways and Means).

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman, Atwood, Canfield, Cooney, Dore, Fleming, Foley, Francis, Herr, Holman, Huntley, Jolly, Lewis, Mardesich, Odagaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Walgren, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

February 12, 1971

SENATE BILL NO. 151, implementing school plant facilities bond act of 1969 (reported by Committee on Ways and Means).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman, Atwood, Bailey, Canfield, Cooney, Donohue, Dore, Fleming, Holman, Huntley, Jolly, Lewis, Mardesich, Metcalf, Odagaard, Peterson (Lowell), Peterson (Ted), Scott, Stortini, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

February 16, 1971.

SENATE BILL NO. 321, increasing the membership of the advisory committee on the drug control unit (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Atwood, Day, Elicker, Gardner, Newschwander

Passed to Committee on Rules and Joint Rules for second reading

February 16, 1971.

HOUSE BILL NO. 92, correcting apparent clerical error in RCW 7.33.280 (reported by Judiciary Committee)

MAJORITY recommendation: Do pass.

Signed by: Senators Dore Vice Chairman, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall

Passed to Committee on Rules and Joint Rules for second reading

February 16, 1971

HOUSE BILL NO. 93, correcting clerical error in RCW 11.24.010 (Probate Code) (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Dore Vice Chairman, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall

Passed to Committee on Rules and Joint Rules for second reading

February 16, 1971.

HOUSE BILL NO. 94, correcting education code sections (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Dore Vice Chairman, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall

Passed to Committee on Rules and Joint Rules for second reading.

February 16 1971.

HOUSE BILL NO. 95, correcting double amendment to RCW 36.76.010 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Dore, Vice Chairman, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading

February 16 1971.

HOUSE BILL NO. 96, correcting double amendment to RCW 37.16.020 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Dore, Vice Chairman, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading

February 16 1971.

HOUSE BILL NO. 97, correcting double amendments to RCW 43.17.010 and 43.17.020 (reported by Judiciary Committee)

MAJORITY recommendation: Do pass.

Signed by: Senators Dore Vice Chairman, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall

Passed to Committee on Rules and Joint Rules for second reading

February 16, 1971.

HOUSE BILL NO. 98, correcting double amendment to RCW 54.24.018 (reported by Judiciary Committee)

MAJORITY recommendation: Do pass.

Signed by: Senators Dore, Vice Chairman, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading

February 16, 1971.

HOUSE BILL NO. 99, correcting double amendment to RCW 82.04.430 (reported by Judiciary Committee)

MAJORITY recommendation: Do pass.

Signed by Senators Dore, Vice Chairman; Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading

### MOTIONS

On motion of Senator Washington the Committee on Transportation was relieved of further consideration of Senate Bill No. 282

On motion of Senator Washington, Senate Bill No. 282 was referred to the Judiciary Committee

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 545, by Senators Peterson (Lowell), Peterson (Ted) and Durkan:

An Act relating to the environment, establishing state environmental policy; and creating new sections.

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO. 546, by Senators Durkan, Donohue, Woodall and Guess

An Act relating to revenue and taxation, adding a new chapter to chapter 15, Laws of 1961 and to Title 82 RCW; repealing section 40, chapter 262, Laws of 1969 ex sess and RCW 82.04.437; and declaring an emergency.

Referred to Committee on Ways and Means—Revenue and Taxation

### MOTION

On motion of Senator Guess, the rules were suspended and additional sponsors were added to Senate Bill No. 546.

SENATE BILL NO. 547, by Senator Mardesich:

An Act relating to avalanches, providing for zoning to control buildings and land use in avalanche areas; and creating new sections.

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO. 548, by Senators Mardesich, Walgren, Sandison and Ridder:

An Act relating to employment agencies, amending section 4, chapter 228, Laws of 1969 ex sess. and RCW 19.31.040, amending section 5, chapter 228, Laws of 1969 ex sess. and RCW 19.31.050; amending section 9, chapter 228, Laws of 1969 ex sess. and RCW 19.31.090, amending section 11, chapter 228, Laws of 1969 ex sess. and RCW 19.31.110, amending section 14, chapter 228, Laws of 1969 ex sess. and RCW 19.31.140, amending section 17, chapter 228, Laws of 1969 ex sess. and RCW 19.31.170, amending section 20, chapter 228, Laws of 1969 ex sess. and RCW 19.31.200, and adding a new section to chapter 19.31 RCW

Referred to Committee on Commerce and Regulatory Agencies

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 548.

SENATE BILL NO. 549, by Senators Andersen, Atwood and Fleming (by executive request)

An Act relating to state government; creating a temporary study commission on financially feasible legal aid to the indigent, setting forth the commission's powers and duties; providing an expiration date; and declaring an emergency

Referred to Committee on State Government

SENATE BILL NO. 550, by Senators Metcalf and Murray:

An Act relating to public officials, prescribing procedures, and creating new sections

Referred to Committee on Constitution, Elections and Legislative Processes

SENATE BILL NO 551, by Senators Ridder, Holman and Connor (by State Auditor request).

An Act relating to school district budgets, and amending section 28A 65.170, chapter 223, Laws of 1969 ex sess as amended by section 36, chapter 119, Laws of 1969 ex sess and RCW 28A 65.170.

Referred to Committee on Education

SENATE BILL NO. 552, by Senators Ridder, Holman and Connor (by State Auditor request):

An Act relating to budgets, amending section 18, chapter 95, Laws of 1969 ex sess and RCW 35 33.125, amending section 25, chapter 95, Laws of 1969 ex sess and RCW 35 33 170, amending section 35A.33 .25 chapter 119, Laws of 1967 ex sess as amended by section 4, chapter 81, Laws of 1969 ex sess and RCW 35A 33.125, amending section 35A 33.160, chapter 119, Laws of 1967 ex sess and RCW 35A.33 160, amending section 36 40 .30, chapter 4, Laws of 1963 and RCW 36 40.130, and providing penalties

Referred to Committee on Cities, Towns and Counties.

SENATE JOINT RESOLUTION NO 28, by Senators Washington, Jolly and Holman Making persons eighteen eligible to vote, contract, sue and be sued and making them responsible for their unizwful conduct.

Referred to Committee on Constitution, Elections and Legislative Processes.

SENATE CONCURRENT RESOLUTION NO .0, by Senators Ridder, Peterson (Ted), Francis, Scott, Whetzel, Matson, Washington, Murray, Metcalf, Walgren, Fleming, Odegaard, Huntley, Holman and Stortini

Authorizing a study of day care services.

Referred to Committee on Higher Education and Libraries.

There being no objection, the rules were suspended and additional sponsors were added to Senate Concurrent Resolution No 10

## SECOND READING

SENATE BILL NO 116, by Senators Talley, Atwood and Peterson (Lowell)  
Providing for the establishment of harbor lines beyond present limits.

## MOTION

On motion of Senator Talley Senate Bill No 116 was referred to the Committee on Rules and Joint Rules

SENATE BILL NO. 40, by Senators Francis and Andersen

Establishing procedures relative to records of personal representatives

The Senate resumed consideration of Senate Bill No. 40 on second reading The committee amendment striking section 1 and the committee amendment to page 2 were adopted on February 12

Senator Andersen moved adoption of the following committee amendment to the title Beginning on line 1 of the title after "procedure;" strike all of the material down to and including "and" on line 2

On motion of Senator Andersen, the following amendmen. to the committee amendment to the title was adopted:

On page 1, line 1 of the title, after "procedure;" strike all of the material down to and including "RCW 11.76.100; and" on line 2.

On motion of Senator Andersen, the committee amendment to the title, as amended, was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No 40 was advanced to thrd reading, the second reading considered the thrd, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 40, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Wilson, Woodall 41.

Absent or not voting: Senators Matson, Twigg—2

Excused: Senators Canfield, Gissberg, Jolly, Keefe, Stender, Whetzel—6.

ENGROSSED SENATE BILL NO. 40, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 50, by Senators Guess, Washington and Odegaard (by departmental request)

Providing certain changes relating to control of motor vehicle accidents

The bill was read the second time by sections.

On motion of Senator Guess, the rules were suspended, Senate Bill No. 50 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 50, and the bill failed by the following vote: Yeas, 15; nays, 28; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Elicker, Fleming, Guess, Knoblauch, Lewis, McDougall, Odegaard, Peterson (Ted), Twigg, Washington—15.

Voting nay: Senators Cooney Day, Donohue, Dore, Durkan, Foley, Francis, Gardner, Greive, Henry, Herr, Holman, Huntley, McCutcheon, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Wilson, Woodall 28.

Excused: Senators Canfield, Gissberg, Jolly, Keefe, Stender, Whetzel—6.

SENATE BILL NO. 50, having failed to receive the constitutional majority, was declared lost.

SENATE BILL NO. 266, by Senators Metcalf, Talley, Woodall, Gardner, Ridder and Herr (by Joint Committee on Education request):

Allowing school district joint purchasing agency to make certain purchases in cooperation with private schools.

The bill was read the second time by sections.

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 266 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Mardesich: "Will Senator Metcalf yield? Senator, on page 2 of the bill it provides that these private schools which would be allowed to participate would pay their proportionate share of the costs. Would it be your interpretation that costs would include, in addition to the cost of the items, a proportionate part of overhead?"

Senator Metcalf: "I would interpret it that way."

Senator Mardesich: "And it would be the intent of the legislature that such term 'costs' would include a proportionate part of overhead?"

Senator Metcalf: "Yes, that would be my intent. I think that that is a fair way to state it, that part of the costs would include part of the cost of overhead because that is part of the cost of the whole operation."

#### POINT OF INQUIRY

Senator Huntley: "Will Senator Metcalf yield? Is there a fiscal note or is there any cost to the state whatsoever?"

Senator Metcalf: "It is my understanding that this would not be a cost to the state. Any additional cost would be borne by the schools participating."

Senator Huntley: "It would be prorated out then?"

Senator Metcalf: "This is my understanding."

#### POINT OF INQUIRY

Senator Clarke: "Senator Metcalf, it is my recollection in connection with agencies such as the King county purchasing agency, that when they charge the various school districts, their overhead charge is included as a part of the cost. Do you know whether I am correct in that recollection?"

Senator Metcalf: "I have to say this is my understanding. Senator Ridder, can you answer this question better?"

Senator Ridder: "There is an operating cost of fourteen percent, or a fee of fourteen percent that is charged. It is figured into the cost of the item."

Senator Clarke: "Do I understand, Senator Ridder, then that this would be a part of the cost that would be passed on to the private institutions when they avail themselves of this opportunity?"

Senator Ridder: "Yes, like as now, they would make out their order for what they wanted and when they got the goods they would be billed for the cost of the goods plus fourteen percent for the handling and the overhead."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 266, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greve, Guess, Henry, Herr, Holman, Huntley, Knoblauch, Lewis, McCutcheon, McDougall, Mardesch, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall. 43

Excused: Senators Canfield, Gissberg, Jolly, Keefe, Stender, Whetzel—6.

SENATE BILL NO. 266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 228, by Senators Francis, Elicker and Ridder (by departmental request):

Providing for the control of pets capable of transmitting disease to man

The bill was read the second time by sections

On motion of Senator Mardesch, the following amendment was adopted:

On page 2, section 3, line 16, after "animals" strike "who" and insert "which"

On motion of Senator Day, the rules were suspended. Engrossed Senate Bill No. 228 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 228, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greve, Guess, Henry, Herr, Holman, Huntley, Knoblauch, Lewis, McCutcheon, McDougall, Mardesch, Matson,

Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortin, Talley, Twigg, Walgren, Washington, Wilson, Woodall 43  
 Excused: Senators Canfield, Gissberg, Jolly, Keefe, Stender, Whetzel-6

ENGROSSED SENATE BILL NO 228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO 103, by Senators Metcalf, Ridder and Odegaard (by Joint Committee on Education request):

Providing certain health measures relating to common schools

#### REPORT OF STANDING COMMITTEE

February 11, 1971.

SENATE BILL NO 103, providing certain health measures relating to common schools (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, section 2, line 6 after the words "and require" strike the remainder of the act and insert "[testing of] screening for the [hearing] visual and auditory acuity of all children attending schools in their districts to ascertain which if any of such children have defects [in their hearing] sufficient to retard them in their studies. Auditory and visual [Such] tests shall be made [annually commencing each September by competent persons which may include superintendents, principals or teachers in the schools but at least every two years tests given all children shall be by a registered physician or registered nurse] in accordance with procedures and standards adopted by rule or regulation of the state board of health. Prior to the adoption or revision of such rules or regulations the state board of health shall seek the recommendations of the superintendent of public instruction regarding the administration of visual and auditory tests and the qualifications of persons competent to administer such tests."

Sec. 3. Section 28A.31.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.31.040 are each amended to read as follows:

The person or persons completing [such the tests prescribed in RCW 28A.31.030 shall promptly prepare a record of the tests of each child found to [be hard of hearing] have, or suspected of having reduced visual and/or auditory acuity in need of attention, including the special education services provided by chapter 28A.13 RCW, and send copies of such records and recommendations to the parents or guardians of such children [and to the superintendent of public instruction, and to the state director of health,] and shall deliver the original records to the [teachers in charge of such children and such teachers] appropriate school official who shall preserve such records [and give special attention to said children with defective hearing and assist them toward making their grades in studies with their classes] and forward to the superintendent of public instruction and the secretary of social and health services visual and auditory data as requested by such officials.

Sec. 4. Section 28A.31.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.31.050 are each amended to read as follows:

[It shall be the duty of] The superintendent of public instruction [after consultation with the state director of health, to prepare and] shall print and distribute to [the] appropriate school [boards or to the respective county or intermediate district superintendents for them, suitable rules and directions, together with] officials the rules and regulations adopted by the state board of health pursuant to RCW 28A.31.030 and the recommended records [and forms to be used in making and reporting such tests.]

On page 1, beginning on line 2 of the title after "28A.31.040," strike the remainder of the title and insert "and 28A.31.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.31.010, 28A.31.030, 28A.31.040, and 28A.31.050."

Signed by Senators Francis, Chairman Fleming, Gardner, Metcalf, Murray, Peterson (Ted), Ridder, Washington.

The bill was read the second time by sections.

Senator Metcalf moved adoption of the committee amendment to page 2, section 2 line 6.

Debate ensued.

#### POINT OF INQUIRY

Senator Clarke: "Would Senator Metcalf yield? Senator, I understand that originally the wording was more broad than intended. Am I to understand that the amendment as presently worded is intended to more specifically delineate and restrict the scope and to make it plain that it is the intent to have the schools continue the type of screening for visual and auditory acuity that has been going on in the past?"

Senator Metcalf: "Senator Clarke, that is precisely the intent and as you notice in the new wording on the second line of the amendment, the word 'screening' is used and that thought pervades the rest of the amendment."

The motion carried. The committee amendment to page 2, section 2, line 6 was adopted.

On motion of Senator Metcalf, the committee amendment to the title was adopted.

On motion of Senator Metcalf, the rules were suspended, Engrossed Senate Bill No 103 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No 103, and the bill passed the Senate by the following vote: Yeas, 42, absent or not voting, 1, excused, 6

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Ellicker, Foley, Francis, Gardner, Greve, Guess, Henry, Herr, Holman, Huntley, Knoblauch, Lewis, McCutcheon, McDougal, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortum, Talley, Twigg, Walgren, Washington, Wilson, Woodall 42.

Absent or not voting: Senator Fleming—1.

Excused: Senators Canfield, Gissberg, Jolly, Keefe, Stender, Wernet—6

ENGROSSED SENATE BILL NO. 103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### APPOINTMENT OF SPECIAL COMMITTEE

President Pro Tempore Henry announced the presence within the bar of the Senate of Washington State Dair Princess Mary Andersen of Yelm, Washington and appointed Senators Lewis, Donohue and Knoblauch to escort Miss Andersen to a place of honor upon the rostrum.

With leave of the Senate, business was suspended to permit the honored guest to address the Senate.

The special committee escorted the Dairy Princess from the rostrum.

SENATE BILL NO. 142, by Senators Murray, Talley and Peterson (Ted):  
Authorizing the director of fisheries to permit fish farming

#### MOTION

On motion of Senator Peterson (Lowell), Substitute Senate Bill No. 142 was substituted for Senate Bill No 142, and the substitute bill was placed on second reading and read the second time in full.

Senator Talley moved adoption of the following amendment:

On page 2, section 3, line 17, add a new section to read as follows:

"NEW SECTION Sec 4 There is added to chapter 12, Laws of 1955 and to chapter 75.16 RCW a new section to read as follows.

The department may supply salmon eggs to a person, corporation or other entity for use in fish farming or aquaculture for a period not to exceed six years from the date of initial delivery."

Debate ensued

#### POINT OF INQUIRY

Senator Atwood: "Would Senator Talley yield? Senator, I notice the amendment just says 'may supply'. It does not give them authorization to charge for the supplying of these eggs. Is it the intention of this amendment that the department should charge them a fair price for the supplying of these eggs?"



Senator Talley. "Absolutely."

Senator Murray: "It is common practice now for the department to charge for those eggs that they supply for their current authorization under scientific or experimental purposes. They certainly intend to continue that practice and that is the understanding."

On motion of Senator Mardesich, the following amendment to the amendment by Senator Talley was adopted.

On line 3 of the amendment after "supply" insert ", at a reasonable charge."

#### POINT OF INQUIRY

Senator Mardesich: "Senator Talley, in reading section 1, it says it shall be unlawful for any person to take food fish or shell fish for propagation, scientific, or other purposes. I would assume that other purposes could include sport fishing and reasonably under the bill as drafted, the director could then provide for a sport fishing license."

"I do not know whether that is the intention of this bill. I have no objection to that approach if it is, even, I merely raise the question whether the usage 'or other purposes' could include that interpretation."

Senator Talley. "We discussed this bill rather thoroughly and we think we had to have that in the bill to bring this aquaculture into it. We are creating a new industry here."

Further debate ensued

The motion carried and the amendment as amended was adopted

On motion of Senator Murray, the rules were suspended, Engrossed Substitute Senate Bill No. 142 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

Debate ensued.

#### POINT OF INQUIRY

Senator Fleming: "Would Senator Murray yield to a question? Senator, I am not an outdoorsman nor fisherman. Would this bill in any way be a move in a direction of tightening up the laws that have been in conflict with Indian fishing?"

Senator Murray. "It should have no effect upon the normal wild run controls that we have. If they want to go in the fish farming business, it would effect them."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 142, and the bill passed the Senate by the following vote. Yeas, 41, nays, 2, excused, 6

Voting yea. Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Eacker, Foley, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Knoblatch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowel), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—41.

Voting nay: Senators Fleming, Francis—2.

Excused: Senators Canfield, Gissberg, Jolly, Keefe, Stender, Whetzel—6

ENGROSSED SUBSTITUTE SENATE BILL NO. 142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act

#### MOTION

On motion of Senator Stortini, Senate Bill No. 68 was ordered to hold its place on the second reading calendar for Thursday, February 18, 1971

SENATE BILL NO. 380, by Senators Day, Woodall and Keefe.

Providing for health care benefits in certain circumstances notwithstanding provisions of the insurance contract.

## REPORT OF STANDING COMMITTEE

February 10, 1971.

SENATE BILL NO. 380, providing for health care benefits in certain circumstances notwithstanding provisions of the insurance contract (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution).

MAJORITY recommendation: Do pass with the following amendments:

In section 1, insert a new paragraph following line 14 to read as follows:

"The provisions of this section are intended to be remedial and procedural to the extent they do not impair the obligation of any existing contract."

In section 2, insert a new paragraph following line 28 to read as follows:

"The provisions of this section are intended to be remedial and procedural to the extent they do not impair the obligation of any existing contract."

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Holman, Keefe, Odegaard.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments were adopted.

On motion of Senator Day, the rules were suspended. Engrossed Senate Bill No. 380 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Bailey: "Would Senator Day yield? Senator, is this the bill that forces those groups to recognize this practice or lose their . . ."

Senator Day: "This would not force any health care group to recognize us. This merely applies to private insurance contracts and individual policies."

Senator Bailey: "It does not affect public health care groups or a group such as the medical service corporation?"

Senator Day: "No, it does not."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 380, and the bill passed the Senate by the following vote: Yeas, 37; nays, 3, absent or not voting, 3, excused, 6.

Voting yea: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Storti, Talley, Twigg, Walgren, Washington, Wilson, Woodall—37.

Voting nay: Senators Clarke, Newschwander, Scott—3.

Absent or not voting: Senators Andersen, Atwood, Elicker—3.

Excused: Senators Canfield, Gissberg, Joly, Keefe, Stender, Whetzel—6.

ENGROSSED SENATE BILL NO. 380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Washington, Senate Bill No. 280 was ordered to hold its place on the second reading calendar for Thursday, February 18, 1971.

SENATE BILL NO. 133, by Senators Foley, Newschwander, Andersen and Canfield (by Legislative Budget Committee request):

Transferring powers from the boards of trustees of community colleges to the college board.

## REPORT OF STANDING COMMITTEE

February 11, 1971.

SENATE BILL NO. 133, transferring powers from the boards of trustees of community colleges to the college board (reported by Committee on Higher Education and Libraries)

MAJORITY recommendation: Do pass with the following amendments.

On page 3, section 1, line 25, after "to" and before "new" on line 26 strike "establish" and insert "approve"

On page 3, section 1, beginning on line 32 strike subsection (9) and renumber the remaining subsections consecutively

On page 5, section 2, line 10, after "facilities" and before "dormitories" strike "other than" and insert "including"

On page 5, section 2, line 11, after "demand" and before the semicolon insert the following

" *PROVIDED, That no satellite or secondary campuses shall be established nor any facilities acquired therefor without the express approval of the legislature; a satellite or secondary campus for the purposes of this subsection shall be any location having facilities to carry on instructional programs away from the primary campus of a community college distinct with the exception of those facilities of a temporary nature, including facilities in local high schools, in community or privately owned buildings, mobile units, or in any other facility or location which is rented or leased normally for a period not to exceed one year and where no permanency is contemplated*"

On page 5, section 2, line 16, after "only" strike everything before the semicolon on line 17 and insert "in accordance with the provisions of subsection (8) of RCW 28B 50 090 as now or hereafter amended"

Signed by Senators Sandison, Chairman, Atwood, Foley, Francis, Gardner, Guess, Holman, Huntley, Metcalf, Scott.

The bill was read the second time by sections.

On motion of Senator Sandison, the committee amendments to page 3 and page 5, section 2, line 10 were adopted.

Senator Sandison moved adoption of the committee amendment to page 5, section 2, line 11

Debate ensued.

## POINT OF INQUIRY

Senator Lewis: "Will Senator Sandison yield to a question? Senator, does this amendment have any bearing on or any effect whatsoever on the vocational campus in Olympia which is part of the Centralia College?"

Senator Sandison: "Senator Lewis, I would hesitate to try to predict what attorneys or a court would decide on this. It is to take care of a situation that could exist throughout the state in the establishment of secondary and expansion of campuses."

Senator Lewis: "Do I understand you correctly then that this does not affect the college as it is in operation today? I understand, of course, that all appropriations for expansion or additional funding would have to come before this body but what I am concerned about is the effect of this amendment to the bill on the present vocational institute in Olympia"

Senator Sandison: "Senator Lewis, it is my opinion, for whatever it is worth, that it would not affect OVTI"

Senator Foley: "I think the answer is no to that particular section insofar as it pertains to the vocational-technical education. Does that answer your questions?"

## POINT OF INQUIRY

Senator Bailey: "Will Senator Sandison yield? Senator, is it the intent of this amendment that we stop the procedure that was promised us by Dr. Terry and the board that came before the appropriations committee and reported in the local paper during last session as regards to spreading out of Centralia College and acquiring property which they promised us they would not do without coming back to the legislature and which was done in the interim? Is that not the purpose?"

Senator Sandison: "Yes, Senator Bailey, I think this is it. It puts upon the state board and the local board the responsibility of coming to the legislature for approval of capital outlay, particularly where it is other than a temporary nature."

Further debate ensued

## MOTION

On motion of Senator Lewis, Senate Bill No. 133 and the pending committee

amendments were ordered held on the second reading calendar for Thursday, February 18, 1971

There being no objection, the Senate returned to the fifth order of business  
Senator Guess moved adoption of the following resolution:

#### SENATE RESOLUTION. 1971 15

By Senators Guess, Huntley and Donchue:

WHEREAS, the Corps of Engineers reports that current funds allocated for the construction of Lower Granite Dam will run out within thirty days, and, that it will require an additional nine to ten million dollars to continue the construction of said dam through this fiscal year until July 1, 1971, and

WHEREAS, That the Corps of Engineers has already transmitted notice of discontinuance to the contractor which will result in the loss of 1 200 jobs in the already distressed Washington State economy and a delay of one year in the power generated from the dam coming on line.

NOW, THEREFORE, BE IT RESOLVED, By the Senate in Legislative session assembled, that the President in response to this emergency situation call upon the Congress to appropriate the necessary nine to ten million dollars to fund the project without interruption until funds appropriated to fiscal 1972 become available on July 1, 1971, and

BE IT FURTHER RESOLVED, That the Congress of the United States pass a supplemental appropriation to guarantee the uninterrupted construction of this needed project; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate send a copy of this resolution to the President and the congressional delegation from the State of Washington.

Debate ensued.

#### POINT OF ORDER

Senator Mardesich: "Mr. President and members of the Senate, this has been at least the second and perhaps the third occasion which we have had this type of resolution. I would raise the point of order that this type of action which is in effect a memorial to Congress should be taken by that procedure rather than by Senate Resolution as provided by our joint rules."

#### PRESIDENT PRO TEMPORE RULING

President Pro Tempore Henry: "Senator Mardesich, the President under Rule 18, page 263 of the Joint Rules, 'All memorials and resolutions in the legislature addressed to the President of the United States, the Congress or either House thereof, or to the heads of any other branch of the federal government shall be in the form of joint memorials.'"

"The President will have to rule that your point of order is well taken."

#### MOTION

On motion of Senator Guess, Senate Resolution 1971-15 was ordered held until Wednesday, February 17, 1971.

#### MOTION

At 12:50 p.m., on motion of Senator Bailey, the Senate adjourned until 11:00 a.m., Wednesday, February 17, 1971.

JOHN A. CHERBERG, President of the Senate.  
SIDNEY R. SNYDER, Secretary of the Senate

## THIRTY-EIGHTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, February 17, 1971

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Canfield, Foley, Herr, Joly, Odegaard and Whetzel. On motion of Senator Graive, Senators Foley, Joly and Odegaard were excused. On motion of Senator Peterson (Lowell) Senator Herr was excused. On motion of Senator McDougall Senators Canfield and Whetzel were excused.

The Color Guard, consisting of Pages John Shaw, Color Bearer, and Anne Marie McCartan, presented the Colors. Reverend J. Alan Justad, pastor of First United Methodist Church of Olympia, offered prayer as follows:

"Almighty God, creator of all things, giver of every good and perfect gift, we humbly ask for Thy love and guidance in this most critical hour. In such utterly confusing times as we see the fabric of our nation being torn apart, may a high sense of courage impart to us that though we don't know what the future holds, we most lovingly thank Thee that Thou dost hold the future in the palm of Thy hand.

"Stab us awake to honestly face the grave problems which daily afflict the people of our State. Help us in our minds to stand with that ever-growing number of individuals who stand week after week in the unemployment lines. These men and women with hungry mouths to feed, with mortgages and fuel bills unpaid, have all but lost their desire to go on living.

"If we are to go further successfully in dealing with these problems, we know that we must go deeper. Be with each member of this great body as they privately go to their knees in prayer, that there shall come a wisdom through them that shall come from beyond their own.

"Strengthen us, Our Father, with the sure knowledge that You love us, and that we love each other, and that through each new day the multitudes of problems which face us are in no way as great as Thy great power which surrounds us. This we ask in the name of Thy Son, Jesus Christ our Lord. Amen."

On motion of Senator Graive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

February 10, 1971.

SENATE BILL NO. 100, providing for control by the boundary review boards of certain action by cities, towns, or special purpose districts (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman, Stortini, Vice Chairman; Canfield, Clarke, Mardesich, Peterson (Ted), Ridder, Talley, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

February 10, 1971.

SENATE BILL NO. 102, providing for reduction in the number of fire commissioners in a merged fire protection districts (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman, Stortini, Vice Chairman; Canfield, Ecker, Fleming, McDougall, Peterson (Ted), Ridder, Talley, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

February 10, 1971.

SENATE BILL NO. 149, authorizing a two hundred dollar minimum dues for members

of the Washington Public Ports Association (reported by Committee on Cities, Towns and Counties)

MAJORITY recommendation Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Mardesich, Peterson (Ted), Ridder, Talley Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

February 17, 1971

SENATE BILL NO. 232, providing for the binding determination by mediation and arbitration of labor disputes between uniformed personnel and their public employers (reported by Committee on Labor and Industrial Insurance)

MAJORITY recommendation Do pass as amended.

Signed by: Senators Stortini, Chairman; Connor, Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

#### GUBERNATORIAL APPOINTMENT

February 15, 1971.

F BRUCE JOHNSON, to the position of chairman of the Board of Prison Terms and Paroles, appointed by the Governor on April 15, 1970 for the term ending April 15, 1975, succeeding himself (reported by Committee on Public Institutions)

Recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

Passed to Committee on Rules and Joint Rules

#### LETTER OF INFORMATION

February 16, 1971

HONORABLE JOHN CHERBERG,  
PRESIDENT OF THE SENATE,  
LEGISLATIVE BUILDING,  
OLYMPIA, WASHINGTON 98501

MR. PRESIDENT:

The Senate Committee on Revenue and Taxation has referred the following bills to the full Committee on Ways and Means:

SENATE BILL NO. 236: Property tax, erroneous payment refund

SENATE BILL NO. 262: Cigarette tax, bond retirement fund amount.

SENATE BILL NO. 263: Veterans' bonus, bond retirement fund amount

HOUSE BILL NO. 172: Tax statutes, pre-HJR status.

Sincerely,

HUBERT F. DONOHUE, Chairman,  
Revenue and Taxation Committee

#### MESSAGE FROM THE HOUSE

February 16, 1971

Mr. President: The House has passed,

HOUSE BILL NO. 65,

ENGROSSED HOUSE BILL NO. 83,

ENGROSSED HOUSE BILL NO. 110,

SUBSTITUTE HOUSE BILL NO. 176,

HOUSE BILL NO. 266,

ENGROSSED HOUSE BILL NO. 267,

ENGROSSED HOUSE BILL NO. 308,

ENGROSSED HOUSE BILL NO. 310,

HOUSE BILL NO. 349,

ENGROSSED HOUSE BILL NO. 376,

and the same are herewith transmitted DONALD R. WILSON, Assistant Chief Clerk.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 553, by Senators Day and Twigg

An Act relating to the department of social and health services, providing for the placement and care of adjudicated delinquents, and creating a new section.

Referred to Committee on Public Institutions

**SENATE BILL NO. 554, by Senators Connor and Knoblauch:**

An Act relating to absentee voting in elections, and amending section 29 36.095, chapter 9, Laws of 1965 and RCW 29 36 095

Referred to Committee on Constitution, Elections and Legislative Processes

**SENATE BILL NO. 555, by Senators Connor and Ridder:**

An Act relating to liquor licenses; and creating a new section.

Referred to Committee on Commerce and Regulatory Agencies

**SENATE BILL NO. 556, by Senators Elicker and Francis:**

An Act relating to family planning and the authority of the department of social and health services.

Referred to Committee on Public Institutions.

**SENATE BILL NO. 557, by Senators Elicker, Greive and Murray**

An Act relating to the regulation of shipping, amending section 4, chapter 18, Laws of 1935 as amended by section 3, chapter 15, Laws of 1967 and RCW 88 16 070, adding a new section to chapter 88.04 RCW; adding new sections to chapter 88 16 RCW; adding a new section to chapter 90 48 RCW; and providing penalties.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

**SENATE BILL NO. 558, by Senator Lewis:**

An Act relating to retail installment sales.

Referred to Committee on Commerce and Regulatory Agencies.

**SENATE BILL NO. 559, by Senators Atwood, Mardesich and Newschwander:**

An Act relating to state government, and adding a new section to chapter 8, Laws of 1965 and to chapter 43 88 RCW

Referred to Committee on Ways and Means—Appropriations.

**SENATE BILL NO. 560, by Senators Francis, Wetzell and Murray (by executive request).**

An Act relating to the protection of the environment; creating new sections; and prescribing penalties

Referred to Committee on Natural Resources, Fisheries and Game

**SENATE BILL NO. 561, by Senators Metcalf, Ridder and Holman:**

An Act relating to public lands, providing for access to certain easements for certain recreational uses, and amending section 97 chapter 255, Laws of 1927 as last amended by section 7, chapter 73, Laws of 1961 and RCW 79 01 388

Referred to Committee on Natural Resources, Fisheries and Game

**SENATE BILL NO. 562, by Senator Day**

An Act relating to the licensing of chiropractic.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

**SENATE BILL NO. 563, by Senator Day**

An Act relating to the chiropractors' disciplinary board

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

**SENATE BILL NO. 564, by Senators Holman, Francis and Dore:**

An Act relating to business corporations, amending section 6, chapter 53, Laws of 1965 as amended by section 8, chapter 190, Laws of 1967 and RCW 23A.08 030, amending section 73, chapter 53, Laws of 1965 and RCW 23A 20 010, amending section 74, chapter 53, Laws of 1965 and RCW 23A 20 020, amending section 77 chapter 53, Laws of 1965

and RCW 23A 20 050, and adding a new section to chapter 53, Laws of 1965 and to chapter 23A 08 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 565, by Senators Francis and Elicker

An Act relating to domestic relations, providing an additional ground for divorce, and amending section 2, chapter 215, Laws of 1949 as amended by section 1, chapter 15, Laws of 1965 ex. sess. and RCW 26 08 020

Referred to Judiciary Committee.

SENATE BILL NO. 566, by Senators Grave, Durkan and Peterson (Ted)

An Act relating to veterans, amending section 10, chapter 36, Laws of 1969 ex. sess. and RCW 28B 16 100, amending section 1, chapter 269, Laws of 1969 ex. sess. and RCW 41 04 005, amending section 15, chapter 1, Laws of 1961 as amended by section 13, chapter 108, Laws of 1967 ex. sess. and RCW 41 06 150, and declaring an emergency

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

SENATE BILL NO. 567, by Senators Tailey, Washington and Huntley.

An Act relating to the Puget Island ferry.

Referred to Committee on Transportation.

SENATE BILL NO. 568, by Senators Stortini, Ridder and Holman:

An Act relating to revenue and taxation; amending section 1, chapter 132, Laws of 1967 ex. sess. as amended by section 62, chapter 262, Laws of 1969 ex. sess. and RCW 84 36 128, amending section 3, chapter 8, Laws of 1970 ex. sess. and RCW 84 36 129; adding new sections to chapter 132, Laws of 1967 ex. sess. and to chapter 84.36 RCW, and prescribing an effective date

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 569, by Senators Stortini, Day, Mardesich, Gardner and Twigg

An Act relating to education, and amending section 2, chapter 10, Laws of 1970 ex. sess. and RCW 29 21 180; amending section 29 21 210, chapter 9, Laws of 1965 as amended by section 2, chapter 131 Laws of 1969 and RCW 29 21 210, amending section 29 21 230, chapter 9, Laws of 1965 as amended by section 3, chapter 131, Laws of 1969 and RCW 29 21 230, amending section 28A 57 312, chapter 223, Laws of 1969 ex. sess. as amended by section 8, chapter 131 Laws of 1969 and RCW 28A 57 312, amending section 28A 57 336, chapter 223, Laws of 1969 ex. sess. as amended by section 11, chapter 131, Laws of 1969 and RCW 28A 57 336, amending section 29 13 060, chapter 9, Laws of 1965 and RCW 29 13 060, creating new sections, declaring an emergency, and making an effective date

Referred to Committee on Education.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 569

SENATE BILL NO. 570, by Senators Atwood, Durkan and Andersen:

An Act relating to state government, and adding a new section to chapter 8, Laws of 1965 and to chapter 43.88 RCW

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 571, by Senators McDougall, Francis and Odegaard (by Department of Ecology request)

An Act relating to water rights; amending section 5, chapter 263, Laws of 1945 as amended by section 1, chapter 122, Laws of 1947 and RCW 90 44 050, amending section 3, chapter 263, Laws of 1945 and RCW 90 44 035, and making an effective date.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution



**SENATE BILL NO 572, by Senator Metcalf:**

An Act relating to labor and labor unions, and adding new sections to chapter 49 44 RCW.

Referred to Committee on Labor and Industrial Insurance.

**SENATE BILL NO 573, by Senator Metcalf:**

An Act relating to the regulation of sexually oriented material, and prescribing penalties

Referred to Judiciary Committee

**SENATE BILL NO 574, by Senator Elcker:**

An Act relating to human remains, providing for disposition of cremated remains, amending section 28, chapter 247, Laws of 1943 and RCW 68 08 130, amending section 36 22 010 chapter 4, Laws of 1963 and RCW 36 22 010, and adding new sections to chapter 247, Laws of 1943 and to chapter 68 08 RCW.

Referred to Committee on Commerce and Regulatory Agencies

**SENATE BILL NO. 575, by Senator Elcker:**

An Act relating to the public health and welfare.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

**SENATE BILL NO. 576, by Senator Elcker.**

An Act relating to domestic relations, providing for marriage and its dissolution, amending section 5, page 82, Laws of 1866 as amended by section 2383, Code of 1881 and RCW 26 04 070; adding new sections to chapter 26 04 RCW, adding new sections to chapter 215, Laws of 1949 and to chapter 26 08 RCW, creating new sections, repealing sections 1 and 5, page 404, Laws of 1854, section 1, page 81, Laws of 1866, section 2380, Code of 1881, section 1, chapter 230, Laws of 1963 section 2, chapter 17, Laws of 1970 ex sess. and RCW 26 04 010, repealing section 115, page 96, Laws of 1854, section 2, page 81, Laws of 1866, section 949, Code of 1881, section 1, chapter 189, Laws of 1927 and RCW 26 04 020, repealing section 1, chapter 174, Laws of 1909, section 1, chapter 16, Laws of 1909 ex. sess. section 1, chapter 149, Laws of 1959 and RCW 26 04 030; repealing section 2, chapter 174, Laws of 1909, section 2, chapter 16 Laws of 1909 ex sess., section 2, chapter 149, Laws of 1959 and RCW 26 04 040, repealing section 4, page 404, Laws of 1854, section 4, page 82, Laws of 1866, section 2382, Code of 1881, section 1, page 43, Laws of 1883 section 1, page 98, Laws of 1890, section 1, chapter 35, Laws of 1913 and RCW 26 04 050, repealing section 6, page 405, Laws of 1854, sections 10 and 11, page 83, Laws of 1866 section 2388, Code of 1881 and RCW 26 04 060 repealing section 6, page 82, Laws of 1866, section 2384, Code of 1881 and RCW 26 04 080, repealing section 2389, Code of 1881 and RCW 26 04 120, repealing section 3, page 81, Laws of 1866, section 2381, Code of 1881 and RCW 26 04 130, repealing section 2, chapter 204, Laws of 1939 and RCW 26 04 140, repealing section 1, chapter 107, Laws of 1953, section 3 chapter 230, Laws of 1963 and RCW 26 04 180, repealing section 7, chapter 204 Laws of 1939 and RCW 26 04 190, repealing section 8, chapter 204, Laws of 1939 and RCW 26 04 200; repealing sections 13 and 14, page 83, Laws of 1866, section 1, page 104, Laws of 1867, sections 2391 and 2392, Code of 1881, section 3, chapter 174, Laws of 1909, section 3, chapter 16, Laws of 1909 ex sess section 3, chapter 149, Laws of 1959, section 4, chapter 230, Laws of 1963, section 5, chapter 17, Laws of 1970 ex. sess. and RCW 26 04 210, repealing section 1, chapter 215 Laws of 1949 and RCW 26 08 010, repealing section 2, chapter 215, Laws of 1949, section 1, chapter 15, Laws of 1965 ex sess and RCW 26 08 020, repealing section 3, chapter 215, Laws of 1949, section 1, chapter 28, Laws of 1970 ex sess and RCW 26 08 030; repealing section 4, chapter 215, Laws of 1949 and RCW 26 08 040, repealing section 5, chapter 215, Laws of 1949 and RCW 26 08 050, repealing section 6, chapter 215, Laws of 1949 and RCW 26 08 060; repealing section 7, chapter 215, Laws of 1949 and RCW 26 08 070, repealing section 8, chapter 215, Laws of 1949 and RCW 26 08 080, repealing section 9, chapter 215, Laws of 1949 and RCW 26 08 090, repealing section 10, chapter 215, Laws of 1949 and RCW 26 08 100; repealing

section 11, chapter 215, Laws of 1949 and RCW 26.08.110; repealing section 12, chapter 215, Laws of 1949 and RCW 26.08.20; repealing section 14, chapter 215, Laws of 1949 and RCW 26.08.140, repealing section 15, chapter 215, Laws of 1949 and RCW 26.08.150, repealing section 17, chapter 215, Laws of 1949 and RCW 26.08.170; repealing section 22, chapter 215, Laws of 1949 and RCW 26.08.220, and declaring an effective date

Referred to Judiciary Committee

**SENATE BILL NO. 577, by Senator Metcalf**

An Act relating to preservation of the educational process at public institutions of higher learning; and providing for the expulsion of students.

Referred to Committee on Higher Education and Libraries.

**SENATE BILL NO. 578, by Senators Fleming and Whetzel (by Department of Commerce and Economic Development request)**

An Act relating to contractor's bonds; and amending section 1, chapter 207, Laws of 1969 as last amended by section 2, chapter 70, Laws of 1967 and RCW 39.08.010.

Referred to Committee on Cities, Towns and Counties.

**SENATE BILL NO. 579, by Senators Bailey and Twigg (by Department of Commerce and Economic Development request):**

An Act relating to cities, towns and counties; authorizing expenditures for attracting visitors and encouraging tourist expansion; adding a new section to chapter 4, Laws of 1963 and to chapter 36.32 RCW, and adding a new section to chapter 7, Laws of 1965 and to chapter 35.21 RCW.

Referred to Committee on Cities, Towns and Counties

**SENATE BILL NO. 580, by Senator Ridder (by Joint Committee on Education request):**

An Act relating to education, amending section 28A.41.130, chapter 223, Laws of 1969 *ex sess* as amended by section 2, chapter 138, Laws of 1969 and RCW 28A.41.130; and declaring an emergency

Referred to Committee on Education

**SENATE BILL NO. 581, by Senators Lewis, Homan, Huntley, Newschwander, Clarke, Guess, McDougall and Elucker (by executive request):**

An Act relating to state government, creating a temporary study commission on "no-fault" automobile insurance, setting forth the commission's powers and duties, providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce and Regulatory Agencies.

There being no objection, the rules were suspended and additional sponsors added to Senate Bill No. 581.

**SENATE BILL NO. 582, by Senators Francis, Knoblauch and Lewis (by Department of Social and Health Services request)**

An Act relating to motor vehicles, authorizing the issuance of temporary motor vehicle operators' licenses by the department of motor vehicles to parolees under certain circumstances, amending section 46.52.120, chapter 12, Laws of 1961 as amended by section 62, chapter 32, Laws of 1967 and RCW 46.52.120, and creating a new section.

Referred to Judiciary Committee.

**SENATE BILL NO. 583, by Senators Lewis, Walgren and Odegaard (by Secretary of State request)**

An Act relating to elections, amending section 29.04.020, chapter 9, Laws of 1965 as amended by section 1, chapter 123, Laws of 1965 and RCW 29.04.020, amending section 29.04.080, chapter 9, Laws of 1965 and RCW 29.04.080; amending section 6, chapter 156, Laws of 1965 *ex sess* and RCW 29.04.100, amending section 29.07.010, chapter 9, Laws of 1965 and RCW 29.07.010, amending section 29.07.020, chapter 9, Laws of 1965 and RCW 29.07.020; amending section 29.07.040, chapter 9, Laws of 1965 and RCW

29 07 040, amending section 29 07 050, chapter 9, Laws of 1965 and RCW 29 07 050; amending section 29 07 060, chapter 9, Laws of 1965 and RCW 29 07 060, amending section 29 07 070, chapter 9, Laws of 1965 and RCW 29 07 070, amending section 29 07 080, chapter 9, Laws of 1965 and RCW 29 07 080, amending section 29 07 090, chapter 9, Laws of 1965 and RCW 29 07 090, amending section 29 07 095, chapter 9, Laws of 1965 and RCW 29 07 095, amending section 29 07 100, chapter 9, Laws of 1965 and RCW 29 07 100; amending section 29 07 105, chapter 9, Laws of 1965 and RCW 29 07 105, amending section 29 07 110, chapter 9, Laws of 1965 and RCW 29 07 110; amending section 29 07 120, chapter 9, Laws of 1965 and RCW 29 07 120, amending section 29 07 130, chapter 9, Laws of 1965 and RCW 29 07 130, amending section 29 07 140, chapter 9, Laws of 1965 and RCW 29 07 140, amending section 29 07 150, chapter 9, Laws of 1965 and RCW 29 07 150, amending section 29 07 160, chapter 9, Laws of 1965 and RCW 29 07 160, amending section 29 07 170, chapter 9, Laws of 1965 and RCW 29 07 170, amending section 29 07 180, chapter 9, Laws of 1965 and RCW 29 07 180, amending section 29 10 020, chapter 9, Laws of 1965 and RCW 29 10 020, amending section 29 10 030, chapter 9, Laws of 1965 and RCW 29 10 030; amending section 29 10 040, chapter 9, Laws of 1965 and RCW 29 10 040, amending section 29 10 060, chapter 9, Laws of 1965 and RCW 29 10 060, amending section 29 10 080, chapter 9, Laws of 1965 as amended by section 3, chapter 109, Laws of 1967 ex sess and RCW 29 10 080, amending section 29 10 090, chapter 9, Laws of 1965 and RCW 29 10 090, amending section 29 10 095, chapter 9, Laws of 1965 and RCW 29 10 095; amending section 29 10 100, chapter 9, Laws of 1965 and RCW 29 10 100, amending section 29 10 110, chapter 9, Laws of 1965 as amended by section 1, chapter 156, Laws of 1965 ex sess and RCW 29 10 110, amending section 29 10 120, chapter 9, Laws of 1965 and RCW 29 10 120, amending section 3, chapter 156, Laws of 1965 ex sess as amended by section 3, chapter 225, Laws of 1967 and RCW 29 10 140, amending section 4, chapter 156, Laws of 1965 ex sess and RCW 29 10 150; amending section 8, chapter 156, Laws of 1965 ex sess and RCW 29 10 160, amending section 29 36 010, chapter 9, Laws of 1965 and RCW 29 36 010, amending section 29 36 020, chapter 9, Laws of 1965 and RCW 29 36 020, amending section 29 36 095, chapter 9, Laws of 1965 and RCW 29 36 095, amending section 29 48 030, chapter 9, Laws of 1965 and RCW 29 48 030, amending section 29 51 060, chapter 9, Laws of 1965 as last amended by section 9, chapter 109, Laws of 1967 ex sess and RCW 29 51 060, amending section 29 51 070, chapter 9, Laws of 1965 and RCW 29 51 070, amending section 29 62 150, chapter 9, Laws of 1965 and RCW 29 62 150, adding a new section to chapter 9, Laws of 1965 and to chapter 29 07 RCW, repealing sections 29 10 010 and 29 10 070, chapter 9, Laws of 1965 and RCW 29 10 010 and 29 10 070, and providing penalties.

Referred to Committee on Constitution, Elections, and Legislative Processes

SENATE BILL NO 584, by Senator Murray (by executive request).

An Act relating to shoreline areas, adding new sections to Title 90 RCW as a new chapter therein, defining crimes; prescribing penalties, authorizing an alternative to Initiative 43, and declaring an effective date and an emergency

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO 585, by Senator Walgren.

An Act relating to justices of the peace; and amending section 122, chapter 299, Laws of 1961 and RCW 3 66 10

Referred to Judiciary Committee

SENATE BILL NO 586, by Senators Day and Newschwander.

An Act relating to business and professions, establishing the Washington state board on hearing and fitting, providing for licensing of hearing aid dealers and hearing aid consultants, providing for the regulation of the fitting and sale of hearing aids to the public, adding a new chapter to Title 18 RCW; and providing penalties.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO 587, by Senators Henry, Connor, Woodall and Andersen (by Department of Revenue request)

An Act relating to revenue and taxation, and adding a new section to chapter 15, Laws of 1961 and to chapter 84.41 RCW

Referred to Committee on Ways and Means—Revenue and Taxation

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 587

SENATE BILL NO 588, by Senators Washington, Huntley, Bailey Connor and Ridder.

An Act relating to state government, creating a department of transportation and prescribing its general structure personnel powers, duties and functions, transferring to the jurisdiction of the department of transportation certain powers, duties and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission the canal commission, the department of motor vehicles, the traffic safety commission the pilgoteage commission, and the urban arterial board, abolishing the department of highways, the highway commission, the toll bridge authority, the aeronautics commission the canal commission, the department of motor vehicles, and the traffic safety commission, renaming Title 47 RCW "Public Highways and Transportation", adding chapters 14 04 43 59, 88 16 and 91 12 RCW to Title 47 RCW, amending section 4, chapter 165, Laws of 1947 as last amended by section 2, chapter 68, Laws of 1967 and RCW 14 04 040, amending section 1, chapter -- (HB 97), Laws of 1971 and RCW 43 17 010, amending section 2, chapter -- (HB 97), Laws of 1971 and RCW 43 7 020 amending section 1, chapter 147, Laws of 1967 ex sess and RCW 43 59 010, amending section 4, chapter 147, Laws of 1967 ex sess and RCW 43 59 040, amending section 8, chapter 47, Laws of 1967 ex sess and RCW 43 59 070, amending section 47 01 030, chapter 13, Laws of 1961 as amended by section 1, chapter 1, Laws of 1965 ex sess and RCW 47 01 030, amending section 47 01 050, chapter 13, Laws of 1961 and RCW 47 01 050, amending section 47 01 060, chapter 13, Laws of 1961 and RCW 47 01 060, amending section 47 01 070, chapter 13, Laws of 1961 and RCW 47 01 070, amending section 47 01 080, chapter 13, Laws of 1961 and RCW 47 01 080, amending section 47 01 090, chapter 13, Laws of 1961 and RCW 47 01 090 amending section 47 01 160, chapter 13, Laws of 1961 as amended by section 29, chapter 170, Laws of 1965 ex sess and RCW 47 01 160, amending section 47 01 220, chapter 13, Laws of 1961 and RCW 47 01 220, amending section 8, chapter 83, Laws of 1967 ex sess as amended by section 1, chapter 171, Laws of 1969 ex sess and RCW 47 26 120, amending section 47 56 030, chapter 13, Laws of 1961 as last amended by section 3 chapter 180, Laws of 1969 ex sess and RCW 47 56 030, amending section 47 56 070, chapter 13, Laws of 1961 and RCW 47 56 070, amending section 47 56 080, chapter 13, Laws of 1961 and RCW 47 56 080, amending section 47 56 090 chapter 13, Laws of 1961 and RCW 47 56 090, amending section 47 56 120, chapter 13, Laws of 1961 and RCW 47 56 120, amending section 47 56 245 chapter 13, Laws of 1961 as amended by section 53, chapter 170, Laws of 1965 ex sess and RCW 47 56 245, amending section 3, chapter 257, Laws of 1961 and RCW 47 56 254, amending section 47 60 360, chapter 13, Laws of 1961 as last amended by section 65 chapter 56, Laws of 1970 ex sess and RCW 47 60 060, amending section 1, chapter 18, Laws of 1935 and RCW 88 16 010, amending section 2, chapter 18, Laws of 1935 as last amended by section 1, chapter 15, Laws of 1967 and RCW 88 16 020, amending section 5 chapter 123, Laws of 1965 ex sess and RCW 91 12 050, adding a new section to chapter 14 04 RCW, adding a new section to chapter 1, Laws of 1961 and to chapter 41 06 RCW adding a new section to chapter 43 59 RCW, creating new sections, repealing section 3 chapter 165, Laws of 1947, section 1, chapter 68, Laws of 1967 and RCW 14 04 030, repealing section 3, chapter 147, Laws of 1967 ex sess section 1, chapter 105, Laws of 1969 ex sess and RCW 43 59 030, repealing section 6, chapter 147, Laws of 1967 ex sess and RCW 43 59 050, repealing section 7, chapter 147, Laws of 1967 ex sess and RCW 43 59 060, repealing section 9, chapter 147, Laws of 1967 ex sess and RCW 43 59 080, repealing section 14, chapter 147, Laws of 1967 ex sess and RCW 43 59 130, repealing section 47 01 010 chapter 13, Laws of 1961 and RCW 47 01 010, repealing section 47 01 100, chapter 13, Laws of 1961 and RCW 47 01 100, repealing section 47 01 110,

chapter 13, Laws of 1961 and RCW 47 01 110, repealing section 47 01 120, chapter 13, Laws of 1961 and RCW 47 01 120 repealing section 47 01 130, chapter 13, Laws of 1961, section 10 chapter 307, Laws of 1961 and RCW 47 01 130; repealing section 2, chapter 123, Laws of 1965 ex. sess. and RCW 91 12 020 repealing section 3, chapter 123, Laws of 1965 ex. sess., section 1, chapter 36 Laws of 1967 and RCW 91 12 030, repealing section 4, chapter 123, Laws of 1965 ex. sess. and RCW 91 12 040; and providing an effective date.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 588.

### MOTION

Senator Washington moved that Senate Bill No. 588 be referred to the Committee on Transportation.

Debate ensued.

### POINT OF INQUIRY

Senator Woodall: "Will Senator Washington yield? Senator, does this bill not combine many existing departments of state government?"

Senator Washington: "Yes, it does."

Senator Woodall: "So it does relate to more than just one item of transportation?"

Senator Washington: "They all relate to transportation. For instance, they relate to setting up a mass transportation department, to aeronautics, and to the motor vehicle department."

Senator Woodall: "Is the public utilities commission in this too?"

Senator Washington: "No, not in mine. I am not in favor of that particular move. Everything in this bill relates directly to transportation."

Further debate ensued.

Senator Clarke demanded a roll call and the demand was sustained by Senators Greive, Walgren, Washington, Taley, McDougal, Cooney, Keefe, Francis and Fleming.

President Pro Tempore Henry declared the question before the Senate is the motion by Senator Washington to refer Senate Bill No. 588 to the Committee on Transportation.

### ROLL CALL

The Secretary called the roll and the motion lost by the following vote: Yeas 16, nays, 28; excused, 5.

Voting yea. Senators Bailey, Connor, Eucker, Fleming, Foley, Francis, Gardner, Gissberg, Huntley, McDougal, Metcalf, Murray, Peterson (Ted), Ridder, Talley, Washington—16.

Voting nay. Senators Andersen, Atwood, Clarke, Cooney, Day, Donohue, Dore, Durkan, Greive, Guess, Henry, Holman, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Newschwander, Peterson (Lowell), Sandison, Scott, Stender, Stortini, Twigg, Walgren, Wilson, Woodall—28.

Excused: Senators Canfield, Herr, Jolly, Odegaard, Whetzel—5.

Senate Bill No. 588 was referred to the Committee on State Government.

### SENATE BILL NO. 589, by Senator Walgren:

An Act relating to local improvement districts; deferring local improvement district assessments, creating a lien, adding a new section to chapter 35 43 RCW, adding a new section to chapter 35 54 RCW; and declaring an emergency.

Referred to Committee on Cities, Towns and Counties.

### SENATE BILL NO. 590, by Senators Ridder, Washington and Connor:

An Act relating to the practice of dentistry, amending section 20 chapter 52, Laws of 1957 as amended by section 1, chapter 98, Laws of 1957, and RCW 18 32 020, and amending section 19, chapter 112, Laws of 1935 and RCW 18 32 310.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

**SENATE BILL NO. 591, by Senator Fleming (by executive request):**

An Act relating to landlords and tenants, adding a new chapter to Title 59 RCW, and adding new sections to chapters 59 04, 59 08, 59 12, and 59 16 RCW

Referred to Judiciary Committee

**SENATE JOINT MEMORIAL NO. 9, by Senators Guess, Donohue and Huntley**

Requesting interim funding for Lower Granite Dam.

On motion of Senator Guess, the rules were suspended, Senate Joint Memorial No. 9 was advanced to second reading and read the second time in full.

On motion of Senator Guess, the rules were suspended, Senate Joint Memorial No. 9 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued

**ROLL CALL**

The Secretary called the roll on the final passage of Senate Joint Memorial No. 9, and the memorial passed the Senate by the following vote: Yeas, 44, excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Eacker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Keefe, Knoblauch, Lewis, McCatchson, McDougall, Mardesch, Matson, Metcalf, Murray, Newschwander, Peterson (Lowel), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—44

Excused: Senators Canfield, Herr, Jolly, Odogaard, Whetzel—5

**SENATE JOINT MEMORIAL NO. 9**, having received the constitutional majority, was declared passed.

**SENATE JOINT RESOLUTION NO. 29, by Senators Washington, Scott and Huntley:**

Amending the Constitution to allow certain organizations to conduct bingo games and to hold raffles.

Referred to Judiciary Committee

**SENATE CONCURRENT RESOLUTION NO. 11, by Senators Metcalf, Ridder and Holman:**

Directing a study of trails for nonmotorized recreational users.

Referred to Committee on Natural Resources, Fisheries and Game

**SENATE CONCURRENT RESOLUTION NO. 12, by Senators Francis, Gardner, Ridder, Metcalf, Holman, Scott and Odogaard:**

Providing for a study of ecology curricula.

Referred to Committee on Natural Resources, Fisheries and Game.

**HOUSE BILL NO. 55, by Representatives Berentson, Conner and Hubbard (by departmental request):**

Exempting denial, suspension, or revocation of a driver's license from the administrative procedure act

Referred to Judiciary Committee.

**ENGROSSED HOUSE BILL NO. 83, by Representatives Harris, Boltiger, Eikenberry and Amen (by Legislative Council request):**

Authorizing traffic officers to issue arrest citations at scene of accident.

Referred to Judiciary Committee

**ENGROSSED HOUSE BILL NO. 110, by Representatives Cunningham, Blatchel, North and Barden:**

Providing for refunds of erroneously paid property taxes.  
Referred to Committee on Ways and Means--Revenue and Taxation.

SUBSTITUTE HOUSE BILL NO. 176, by Committee on Judiciary:  
Providing for payment of counsel and transcript fees in cases involving indigents.  
Referred to Judiciary Committee

HOUSE BILL NO. 266, by Representatives Barden, Eikenberry, Litchman and Kilbury  
(by Joint Committee on Governmental Cooperation request):  
Providing for a change in the filing of regulations of the liquor control board.  
Referred to Committee on Commerce and Regulatory Agencies

ENGROSSED HOUSE BILL NO. 267, by Representatives Spanton, Barden, Litchman  
and Backstrom (by Joint Committee on Governmental Cooperation request).  
Regulating liquor license transfers.  
Referred to Committee on Commerce and Regulatory Agencies

ENGROSSED HOUSE BILL NO. 308, by Representatives Randall, Gallagher and  
Litchman (by Joint Committee on Governmental Cooperation request):  
Allowing racing commission to set license fees.  
Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 310, by Representatives Farr and Chatalas  
Establishing a dental disciplinary board.  
Referred to Committee on Medicine, Dentistry and Health Care, Air and Water  
Pollution

HOUSE BILL NO. 349, by Representatives Julin, Bottger and Shera  
Permitting investment of certain state funds in the obligations of the Asian  
development bank.  
Referred to Committee on Commerce and Regulatory Agencies

ENGROSSED HOUSE BILL NO. 376, by Representatives Berentson, Beck, Martinis  
Charney and Kuehne (by Joint Committee on Highways request).  
Regulating motor vehicle noise  
Referred to Committee on Transportation.

## SECOND READING

SENATE BILL NO. 208, by Senators Sandison, Durkan, Foley and Atwood  
Submitting budgets of four state colleges and state's universities to governor's control  
The bill was read the second time by sections.  
On motion of Senator Sandison, the rules were suspended, Senate Bill No. 208 was  
advanced to third reading, the second reading considered the third, and the bill was placed  
on final passage.  
Debate ensued

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 208, and the bill  
passed the Senate by the following vote: Yeas 42, absent or not voting, 2, excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day,  
Donohue, Dore, Durkan, Eacker, Foley, Francis, Gardner, Gissberg, Greve, Guess, Henry,  
Homan, Keefe, Knoblauch, Lewis, McClutcheon, McDougall, Mardesch, Matson, Metcalf,  
Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott,  
Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall--42

Absent or not voting: Senators Fleming, Huntley--2.

Excused: Senators Canfield, Herr, Jolly, Odegard, Whetzel--5.

SENATE BILL NO. 208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 288, by Senators Bailey and Gardner (by Joint Committee on Governmental Cooperation and departmental request)

Authorizing parks and recreation commission to call for new and higher bids in disposing of land not needed for park purposes.

The bill was read the second time by sections.

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 288 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 288, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Wagren, Washington, Wilson, Woodall—42.

Absent or not voting: Senators Fleming, Lewis—2.

Excused: Senators Canfield, Herr, Jolly, Odegaard, Whetzel—5.

SENATE BILL NO. 288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 92, by Representatives Charette, Juhn, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request):

Correcting apparent clerical error in RCW 7 33.280

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, House Bill No. 92 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 92, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Wagren, Washington, Wilson, Woodall—43.

Absent or not voting: Senator Talley—1.

Excused: Senators Canfield, Herr, Jolly, Odegaard, Whetzel—5.

HOUSE BILL NO. 92, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 93, by Representatives Charette, Juhn, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request):

Correcting clerical error in RCW 11.24.010 (Probate Code).



The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, House Bill No. 93 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 93, and the bill passed the Senate by the following vote: Yeas, 44, excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Flicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall -44.

Excused: Senators Canfield, Herr, Jolly, Odegaard, Whetzel - 5.

HOUSE BILL NO. 93, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 94, by Representatives Charette, Juhn, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request):

Correcting education code sections.

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, House Bill No. 94 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 94, and the bill passed the Senate by the following vote: Yeas, 44, excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Flicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall - 44.

Excused: Senators Canfield, Herr, Jolly, Odegaard, Whetzel - 5.

HOUSE BILL NO. 94, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 95, by Representatives Charette, Juhn, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request):

Correcting double amendment to RCW 36.76.010.

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, House Bill No. 95 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No 95, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—44

Excused: Senators Canfield, Herr, Jolly, Odegaard, Whetzel—5.

HOUSE BILL NO. 95, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 96, by Representatives Charette, Juhn, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request)

Correcting double amendment to RCW 37.16.020

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, House Bill No 96 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No 96, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—44

Excused: Senators Canfield, Herr, Jolly, Odegaard, Whetzel—5

HOUSE BILL NO 96, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 97, by Representatives Charette, Juhn, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request):

Correcting double amendments to RCW 43.17.010 and 43.17.020.

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, House Bill No 97 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No 97, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder

Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall-44

Excused: Senators Canfield, Herr, Jolly, Odegaard, Whetzel-5.

HOUSE BILL NO. 97, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 98, by Representatives Charette, Julin, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request):

Correcting double amendment to RCW 54.24.018

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, House Bill No. 98 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 98, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Wagren, Washington, Wilson, Woodall-44

Excused: Senators Canfield, Herr, Jolly, Odegaard, Whetzel-5.

HOUSE BILL NO. 98, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 99, by Representatives Charette, Julin, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request):

Correcting double amendment to RCW 82.04.430

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, House Bill No. 99 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 99, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Wagren, Washington, Wilson, Woodall-44

Excused: Senators Canfield, Herr, Jolly, Odegaard, Whetzel-5

HOUSE BILL NO. 99, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich served notice that he would on the next working day move that the Senate reconsider the vote by which House Bill No. 99 passed the Senate.

SENATE BILL NO. 150, by Senators Holman and Foley (by State Finance Committee request):

Specifying date for deposit of funds in outdoor recreational bond redemption fund.

The bill was read the second time by sections.

On motion of Senator Holman, the rules were suspended, Senate Bill No. 150 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 150, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Ehcker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—44.

Excused: Senators Canfield, Herr, Jolly, Odgaard, Whetzel—5.

SENATE BILL NO. 150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 246, by Senators Dore, Holman, Foley and Clarke (by Judicial Council request):

Establishing juries at six or twelve persons.

## REPORT OF STANDING COMMITTEE

February 10, 1971.

SENATE BILL NO. 246, establishing juries at six or twelve persons (reported by Judiciary Committee):

MAJORITY recommendation. Do pass with the following amendments.

On page 8, section 4, line 14, after "by" and before "shall" strike "ten" and insert "nine".

On page 5, add a new section following section 5 as follows:

"Sec. 6. Section 2, chapter 36, Laws of 1895 and RCW 4.44.390 are each amended to read as follows:

When the verdict is returned into court either party may poll the jury, and if [ten of the jurors] the number of jurors required for verdict answer that it is the verdict said verdict shall stand. In case [ten of the jurors] the number of jurors required for verdict do not answer in the affirmative the jury shall be returned to the jury room for further deliberation."

On line 9 of the title, after "RCW 36.18.020" and before the period insert "and amending Section 2, chapter 36, Laws of 1895 and RCW 4.44.390"

Signed by: Senators Gissberg, Chairman, Dore, Vice Chairman; Francis, Holman, Twigg, Walgren, Woodall.

The bill was read the second time by sections.

On motion of Senator Woodall, the committee amendment to page 3, section 4 was adopted.

On motion of Senator Gissberg, the committee amendment to page 5, adding a new section was adopted.

On motion of Senator Dore, the committee amendment to the title was adopted.

On motion of Senator Dore, the rules were suspended, Engrossed Senate Bill No. 246

was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 246, and the bill passed the Senate by the following vote: Yeas, 36; nays, 7, absent or not voting, 1, excused, 5.

Voting yea: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Grove, Guess, Henry, Hobnan, Hunley, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Wilson, Woodall. 36.

Voting nay: Senators Andersen, Atwood, Clarke, Metcalf, Murray, Newschwander, Peterson (Ted)—7.

Absent or not voting: Senator Talley—1.

Excused: Senators Canfield, Herr, Jolly, Odagaard, Whetzel—5.

ENGROSSED SENATE BILL NO. 246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:40 p.m. on motion of Senator Grewe, the Senate adjourned until 11:00 a.m., Thursday, February 18, 1971.

JOHN A. CHERBERG, President of the Senate  
SIDNEY R. SNYDER, Secretary of the Senate

## THIRTY-NINTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, February 18, 1971

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Day and Whetzel. On motion of Senator Bailey, Senator Day was excused. On motion of Senator McDougall, Senator Whetzel was excused.

The Color Guard, consisting of Pages Jared Smith, Color Bearer, and Stephanie Ball, presented the Colors. Doctor John M. Peffers, pastor of Westminster Presbyterian Church of Tacoma, offered prayer as follows:

"To the creating, sustaining force of life, to the Eternal spirit who has moral concern for His creation, we lift ourselves in prayer. We thank You for the honor of finding the good life, not just for ourselves, but for all whom we are privileged to represent. Open our hearts to the needs and opportunities to love as we are loved. Help us to understand our dependence on You for the grace to honorably fulfill that high calling for those in whose interests we are conjoined. May the spirit of Your prophets and Your Christ guide us toward moral action this fresh new day. Amen."

On motion of Senator Gissberg, the reading of the journal of the previous day was dispensed with and it was approved.

## APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence within the bar of the Senate of Bob Barker and appointed a special committee consisting of Senators Keefe, Gissberg, Mardesich, Metcalf, Atwood and Woodall to escort Mr. Barker to a place of honor upon the rostrum.

On motion of Senator Gissberg, the following resolution was adopted:

## SENATE RESOLUTION: 1971-16

By Senators Keefe, Gissberg, Mardesich and Metcalf:

WHEREAS, Six programs of the very popular television show "Truth or Consequences" are presently being produced in Seattle, and

WHEREAS, The star of this show which provides wholesome entertainment for children and adults alike, is the articulate and highly personable Bob Barker, and

WHEREAS, Bob has brought great pleasure and enjoyment to millions of people throughout the world and especially to those of the Evergreen State of Washington, and

WHEREAS, He is a native of the state of Washington, having been born in Darrington, Washington, and

WHEREAS, Bob has risen from a boyhood life on an Indian Reservation to become one of the top personalities in the entertainment world, and

WHEREAS, He is a gentleman of exemplary character, charming personality, and remarkably good humor, and

WHEREAS, He has brought much happiness to many families who have been reunited on his program, and

WHEREAS, Bob Barker's deep liking for people, his human understanding and friendly manner are an excellent example to the millions of his fans, and especially to the youth of America, and

WHEREAS, Bob has received multitudes of awards from various organizations and states of the union,

NOW THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that we do hereby express our most sincere appreciation for all that Bob Barker has done to spread joy and happiness throughout the country and while doing so has brought honor and good will to the state of Washington, and our heartiest congratulations to Bob on his many and varied successes in the entertainment field.

BE IT FURTHER RESOLVED, That the Secretary of the Senate prepare copies of this Senate Resolution to be sent to Mr. Bob Barker.

With leave of the Senate, business was suspended to permit Mr. Barker to address the Senate.

There being no objection, the Senate returned to the first order of business.

### REPORTS OF STANDING COMMITTEES

February 17, 1971

SENATE BILL NO. 107, allowing Indian tribes to participate in public cooperative ventures (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass

Signed by: Senators Connor, Chairman; Dore, Ellicker, Fleming, Herr, McDougall, Peterson (Ted), Ridder, Talley, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

February 12, 1971.

SENATE BILL NO. 137, providing a change in the law relating to lost instruments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall

Passed to Committee on Rules and Joint Rules for second reading.

February 17, 1971.

SENATE BILL NO. 148, permitting school directors to petition for annexation of school property to city or town (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass

Signed by: Senators Connor, Chairman; Dore, Ellicker, Herr, McDougall, Peterson (Ted), Ridder, Talley, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

February 17, 1971.

SENATE BILL NO. 156, providing for licensing and regulation of snowmobiles (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Fleming, Foley, Gardner, Gissberg, Kiefe, Knoblauch, McDougall, Newschwander, Stortini, Twigg, Walgren

Passed to Committee on Rules and Joint Rules for second reading.

February 17, 1971.

SENATE BILL NO. 176, allowing municipal officers to contract with that municipality for up to thirty-six hundred dollars of business annually (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Dore, Ellicker, Herr, McDougall, Peterson (Ted), Ridder, Talley, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

February 17, 1971

SENATE BILL NO. 196, increasing the amount counties may expend for maintenance and operation of county historical museums (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Dore, Ellicker, Herr, McDougall, Peterson (Ted), Ridder, Talley, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

February 17, 1971.

SENATE BILL NO. 270, providing for withdrawal of water districts (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass

Signed by: Senators Connor, Chairman; Dore, Ellicker, Herr, McDougall, Peterson (Ted), Ridder, Talley, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

February 17, 1971.

SENATE BILL NO. 302, providing for destruction of noncurrent public records (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass  
Signed by: Senators Connor, Chairman, Dore, Elicker, Fleming, Herr, McDougall, Peterson (Ted), Ridder, Talley, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

February 11, 1971.

SENATE BILL NO. 391, validating plats or subdivisions notwithstanding defects in notice (reported by Judiciary Committee)

MAJORITY recommendation: Do pass as amended

Signed by: Senators Gissberg, Chairman, Dore, Vice Chairman: Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

February 17, 1971.

SENATE BILL NO. 496, implementing law relating to homesteads, including awards in addition to or awards in lieu of (reported by Judiciary Committee):

MAJORITY recommendation: Do pass

Signed by: Senators Gissberg, Chairman, Dore, Vice Chairman: Andersen, Atwood, Clarke, Foley, Francis, Holman, Twigg, Woodall.

Passed to Committee on Rules and Joint Rules for second reading

February 17, 1971.

HOUSE BILL NO. 41, requiring that bacon be packaged so that the quality and degree of leanness may be ascertained (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman, Andersen, Clarke, Dore, Fleming, Foley, Gardner, Gissberg, Keefe, Knoblauch, Stortini, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

February 12, 1971

HOUSE BILL NO. 216, providing for the contents of certain trust instruments to conform to requirements of the Internal Revenue Code of 1954 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass

Signed by: Senators Gissberg, Chairman, Dore, Vice Chairman: Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading

February 12, 1971

HOUSE BILL NO. 217, prohibiting certain acts by private foundations (reported by Judiciary Committee)

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman, Dore, Vice Chairman, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall

Passed to Committee on Rules and Joint Rules for second reading.

## MESSAGES FROM THE HOUSE

February 17, 1971

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO 16, and the same is herewith transmitted DONALD R. WILSON, Assistant Chief Clerk

February 17, 1971.

Mr. President. The House has passed:

HOUSE BILL NO 53,

ENGROSSED HOUSE BILL NO 112,

ENGROSSED HOUSE BILL NO. 153,

ENGROSSED HOUSE BILL NO. 157,

ENGROSSED HOUSE BILL NO. 160,

ENGROSSED HOUSE BILL NO 161,

and the same are herewith transmitted DONALD R. WILSON, Assistant Chief Clerk

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 592, by Senator Fleming:

An Act relating to retirement and pensions

Referred to Committee on Public Pensions and Social Security



SENATE BILL NO. 593, by Senator Fleming

An Act relating to retirement and pensions.

Referred to Committee on Public Pensions and Social Security

SENATE BILL NO. 594, by Senators Sandison, Holman, Matson, Atwood, Wilson and Foley (by Joint Committee on Higher Education request):

An Act relating to institutions of higher education; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B-15 RCW, and repealing section 28B-15-010, chapter 223, Laws of 1969 and RCW 28B-15-010

Referred to Committee on Higher Education and Libraries.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 594.

SENATE BILL NO. 595, by Senators Sandison, Holman, Matson and Wilson:

An Act relating to higher education.

Referred to Committee on Higher Education and Libraries

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 595.

SENATE BILL NO. 596, by Senators Clarke and Sandison.

An Act relating to insurance holding companies and insurance company investments; amending section 13-26, chapter 79, Laws of 1947 and RCW 48-13-260; and adding new sections to chapter 79, Laws of 1947 and a new chapter to Title 48 RCW.

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO. 597, by Senators Peterson (Ted), Ridder and Stortini

An Act relating to electrical inspections, amending section 1, chapter 30, Laws of 1969 as amended by section 2, chapter 71, Laws of 1969 ex. sess. and RCW 19-28-120, and amending section 8, chapter 164, Laws of 1935 as last amended by section 4, chapter 71, Laws of 1969 ex. sess. and RCW 19-28-210

Referred to Committee on Labor and Industrial Insurance.

SENATE BILL NO. 598, by Senators Francis, Mardesich and Peterson (Lowell).

An Act relating to automobile liability insurance, and creating a new section.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 599, by Senators Francis, Lewis and Walgren:

An Act relating to health and safety; authorizing rules and regulations for flame-retardant chemicals and materials; authorizing the state fire marshal to enforce the act, defining crimes, prescribing penalties, adding a new chapter to Title 70 RCW, and prescribing an effective date.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 600, by Senators Francis, Lewis and Walgren

An Act relating to public health and safety, creating new sections, defining crimes, and prescribing penalties

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 601, by Senators Washington, Henty and Huntley.

An Act relating to state highways, amending section 10, chapter 51, Laws of 1970 ex. sess. and RCW 47-17-045, amending section 29, chapter 51, Laws of 1970 ex. sess. and RCW 47-17-140, amending section 33, chapter 51, Laws of 1970 ex. sess. and RCW 47-17-160, amending section 42, chapter 51, Laws of 1970 ex. sess. and RCW 47-17-205, amending section 44, chapter 51, Laws of 1970 ex. sess. and RCW 47-17-215, amending section 63, chapter 51, Laws of 1970 ex. sess. and RCW 47-17-310; amending section 64, chapter 51, Laws of 1970 ex. sess. and RCW 47-17-315; amending section 69, chapter 51, Laws of 1970 ex. sess. and RCW 47-17-340, amending section 75, chapter 51, Laws of 1970 ex. sess. and RCW 47-17-370, amending section 85, chapter 51, Laws of 1970 ex. sess. and

RCW 47 17.420, amending section 97, chapter 51, Laws of 1970 ex sess. and RCW 47 17 480, amending section 102, chapter 51, Laws of 1970 ex sess and RCW 47 17 505, amending section 111, chapter 51, Laws of 1970 ex sess and RCW 47 17 550, amending section 140, chapter 51 Laws of 1970 ex sess and RCW 47 17 695, amending section 141 chapter 51, Laws of 1970 ex sess and RCW 47 17.700, amending section 151, chapter 51, Laws of 1970 ex sess and RCW 47 17 750, amending section 152, chapter 51, Laws of 1970 ex. sess. and RCW 47 17 755; amending section 159, chapter 51, Laws of 1970 ex sess and RCW 47 17 790, amending section 167, chapter 51 Laws of 1970 ex sess and RCW 47 17 830, amending section 170 chapter 51, Laws of 1970 ex sess and RCW 47 17 845, amending section 171, chapter 51. Laws of 1970 ex sess. and RCW 47 17.850 amending section 14, chapter 96, Laws of 1961 and RCW 47.42 140, amending section 2, chapter 85, Laws of 1967 ex sess as last amended by section 177, chapter 51, Laws of 1970 ex. sess. and RCW 47.39 020, creating new sections, repealing section 47 20 370 chapter 13, Laws of 1961 and RCW 47 20 370, repealing section 43, chapter 51, Laws of 1970 ex sess and RCW 47 17 210, and repealing section 118, chapter 51, Laws of 1970 ex. sess. and RCW 47 17 585.

Referred to Committee on Transportation.

SENATE BILL NO. 602, by Senator Fleming.

An Act relating to retirement and pensions.

Referred to Committee on Public Pensions and Social Security.

SENATE BILL NO. 603, by Senators Ridder and Stortini

An Act relating to taxation and deferring certain rebred persons' property taxes and creating a lien; adding new sections as a new chapter to Title 84 RCW, and declaring an emergency

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 604, by Senators Ridder, Stortini and Herr:

An Act relating to consumer protection, and adding a new section to chapter 216 Laws of 1961 and to chapter 19.86 RCW

Referred to Judiciary Committee

SENATE BILL NO. 605, by Senators Day, Mardesich and Twigg.

An Act relating to motor vehicles, providing for licensing and regulating bulk haulers and creating a new chapter in Title 46 RCW

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 606, by Senators Day, Twigg and Mardesich:

An Act relating to motor vehicles, providing for the removal of abandoned junk motor vehicles, creating new sections, and providing penalties.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 607, by Senators Stortini, Ridder, Keefe, Newschwander and Odegaard:

An Act relating to bingo; adding a new section to chapter 9.47 RCW and adding a new section to chapter 9.59 RCW.

Referred to Judiciary Committee

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 607

SENATE BILL NO. 608, by Senators Connor, Stortini and Peterson (Ted):

An Act relating to local government, including cities, towns, counties and other local subdivisions.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 609, by Senators Connor, Stortini and Peterson (Ted)

An Act relating to local government, including cities, towns, counties and other local subdivisions.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 610, by Senators Connor, Stortini and Peterson (Ted):

An Act relating to local government, including cities, towns, counties and other local subdivisions.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 611, by Senators Ridder, Peterson (Ted) and Twigg (by Department of Labor and Industries request):

An Act relating to wages amending section 9, chapter 294, Laws of 1959 and RCW 49 46 090, and amending section 1, chapter 96, Laws of 1935 and RCW 49 48 040

Referred to Committee on Labor and Industrial Insurance

SENATE BILL NO. 612, by Senators Henry, Lewis, Twigg and Connor:

An Act relating to elections; amending section 29 18 120, chapter 9, Laws of 1965 and RCW 29 18 120, and repealing sections 907 and 908 Code of 1881, section 18, chapter 69, Laws of 1891, section 1, chapter 59, Laws of 1965 ex sess. and RCW 66 44 260

Referred to Committee on Constitution Elections and Legislative Processes.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 612

SENATE BILL NO. 613, by Senators Andersen, Greive and Twigg

An Act relating to the salaries of supreme court justices, court of appeals judges, and superior court judges, and creating new sections.

Referred to Judiciary Committee.

SENATE BILL NO. 614, by Senators Day, Cooney, Peterson (Ted) and Newschwander:

An Act providing freedom of choice of doctors, prohibiting discrimination, relating to the state, public institutions, political subdivisions and municipal corporations; adding new sections to chapter 149, Laws of 1949 and to chapter 18 53 RCW; and prescribing penalties

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 614

SENATE BILL NO. 615, by Senators Day, Cooney and Peterson (Ted):

An Act relating to health care service contractors, public freedom of choice of doctors for vision care, adding new sections to chapter 48 44 RCW, repealing section 1, chapter 143, Laws of 1969 and RCW 48 44 025, and prescribing penalties.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO. 616, by Senators Day, Cooney and Peterson (Ted):

An Act prohibiting discrimination by health care practitioners and certain individuals, and adding a new section to chapter 58, Laws of 1965 ex sess. and to chapter 19 68 RCW

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO. 617, by Senators Day, Cooney, Peterson (Ted) and Newschwander.

An Act providing freedom of choice of doctors, prohibiting discrimination, relating to the state, public institutions, political subdivisions and municipal corporations, and adding a new section to chapter 149, Laws of 1949, and to chapter 18 53 RCW.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 617

SENATE BILL NO. 618, by Senators Day, Cooney and Peterson (Ted).

An Act relating to health care service plans, adding new sections to chapter 235, Laws of 1967 and to chapter 24 03 RCW, adding a new section to chapter 48 44 RCW, defining crimes; and prescribing penalties.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO. 619 by Senators Stortini and McDougall (by Department of Social and Health Services request)

An Act relating to employer's records; amending section 51 48 040, chapter 23, Laws of 1961 and RCW 51.48.040, and amending section 50, chapter 35, Laws of 1945 as amended by section 3, chapter 215, Laws of 1951 and RCW 50 12.110.

Referred to Committee on State Government

SENATE BILL NO. 620, by Senators Francis and Guess:

An Act relating to motor vehicles; and adding a new section to Title 46 RCW.

Referred to Judiciary Committee

SENATE BILL NO. 621, by Senators Francis and Washington:

An Act relating to motor vehicles; providing for safety inspections of motor vehicles; adding a new chapter to Title 46 RCW, repealing section 46 32 010, chapter 12, Laws of 1961, section 48, chapter 32, Laws of 1967 and RCW 46 32 010, repealing section 46 32 020, chapter 12, Laws of 1961 and RCW 46 32 020; repealing section 46 32.030, chapter 12, Laws of 1961 and RCW 46 32 030, repealing section 46 32 040, chapter 12, Laws of 1961 and RCW 46 32 040, repealing section 46 32.050, chapter 12, Laws of 1961 and RCW 46 32 050, repealing section 46 32 060, chapter 12, Laws of 1961 and RCW 46.32.060; repealing section 46 32 070, chapter 12, Laws of 1961 and RCW 46 32 070, defining crimes; and prescribing penalties.

Referred to Committee on Transportation

SENATE BILL NO. 622, by Senator Walgren:

An Act relating to unemployment compensation.

Referred to Committee on Labor and Industrial Insurance

SENATE BILL NO. 623, by Senator Walgren.

An Act relating to dangerous drugs

Referred to Committee on State Government

SENATE BILL NO. 624, by Senators Anderson and Murray (by Office of Program Planning and Fiscal Management request):

An Act relating to forest protection, amending section 2, chapter 105, Laws of 1917 as last amended by section 1, chapter 123, Laws of 1959 and RCW 76 04 360, amending section 1, chapter 332, Laws of 1959 and RCW 76.04.510; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 625, by Senator Atwood (by Office of Program Planning and Fiscal Management request)

An Act relating to revenue and taxation; amending section 82 50 160, chapter 15, Laws of 1961, as amended by section 1, chapter 274, Laws of 1969 ex. sess and RCW 82 50 160; and providing an effective date

Referred to Committee on Ways and Means -Revenue and Taxation

SENATE BILL NO. 626, by Senators Scott and Gardner (by Office of Program Planning and Fiscal Management request):

An Act relating to state depositaries; and amending section 43 85 060, chapter 8, Laws of 1965 as amended by section 17, chapter 193, Laws of 1969 ex sess and RCW 43 85 060

Referred to Committee on Ways and Means—Revenue and Taxation

SENATE BILL NO 627, by Senators Francis Durkan, Peterson (Ted), Stortum and Stender

An Act relating to public employees' collective bargaining, amending section 2, chapter 108, Laws of 1967 ex sess and RCW 41 56 020; amending section 11, chapter 108, Laws of 1967 ex sess and RCW 41.56 110, and adding new sections to chapter 41.56 RCW

Referred to Committee on Labor and Industrial Insurance

#### MOTION

On motion of Senator Francis, the rules were suspended and the names of Senators Stortum and Stender were added to Senate Bill No. 627.

SENATE BILL NO. 628, by Senators Gardner, Fleming, Durkan and Whetzel.

An Act relating to housing authorities, amending section 35 82 030, chapter 7, Laws of 1965 and RCW 35 82 030; amending section 35 82 040, chapter 7, Laws of 1965 and RCW 35.82 040, amending section 35 82 070, chapter 7, Laws of 1965 and RCW 35 82.070, and adding a new section to chapter 7, Laws of 1965 and to chapter 35 82 RCW.

Referred to Committee on State Government

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No 628

SENATE BILL NO 629, by Senators Henry, Washington and Huntley

An Act relating to emergency protection and restoration of highways, and adding a new section to chapter 47 28 RCW

Referred to Committee on Transportation.

SENATE BILL NO 630, by Senators Connor and Ridder;

An Act relating to motor vehicles, and amending section 7, chapter 140, Laws of 1967 as last amended by section 38, chapter 281, Laws of 1969 ex sess and RCW 46 12 101

Referred to Judiciary Committee.

SENATE BILL NO 631, by Senators Connor and Ridder:

An Act relating to attorney's fees, and amending section 85, page 237, Laws of 1854 as last amended by section 1, chapter 43, Laws of 1915 and RCW 12.20 060

Referred to Judiciary Committee.

SENATE BILL NO 632, by Senators Connor and Peterson (Ted)

An Act relating to the public health and safety, amending section 4, chapter 141, Laws of 1969 and RCW 70 84 040, amending section 7, chapter 141, Laws of 1969 and RCW 70 84 070, and amending section 9, chapter 141, Laws of 1969 and RCW 70 84 080

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO 633, by Senators Washington, Henry and Huntley

An Act relating to motor vehicles, and amending section 46 52 120, chapter 12, Laws of 1967, as amended by section 62, chapter 32, Laws of 1967 and RCW 46 52 120.

Referred to Judiciary Committee

SENATE BILL NO 634, by Senators Metcalf, Ridder and Holman

An Act relating to revenue and taxation, authorizing school districts to impose a property tax upon income, prescribing powers, duties and functions, adding a new chapter to Title 82 RCW, and providing penalties.

Referred to Committee on Ways and Means—Revenue and Taxation

SENATE BILL NO. 635, by Senators McDougal, Peterson (Lowell) and Henry

An Act relating to outdoor advertising in areas adjacent to state highways, amending section 1 chapter 96, Laws of 1961 and RCW 47.42.010, amending section 2, chapter 96, Laws of 1961 and RCW 47.42.020, amending section 12, chapter 96, Laws of 1961 and RCW 47.42.120, amending section 15, chapter 96, Laws of 1961 and RCW 47.42.150; adding new sections to chapter 96, Laws of 1961 and to chapter 47.42 RCW, repealing section 5, chapter 96, Laws of 1961 and RCW 47.42.050, repealing section 10, chapter 96, Laws of 1961, section 55 chapter 3, Laws of 1963 ex sess and RCW 47.42.100 and repealing section 11, chapter 96, Laws of 1961 and RCW 47.42.110.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 636, by Senator Fleming.

An Act relating to retirement and pensions

Referred to Committee on Public Pensions and Social Security

SENATE BILL NO. 637, by Senators Sandison, Holman, Matson and Wilson:

An Act relating to community colleges.

Referred to Committee on Higher Education and Libraries.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 637

SENATE BILL NO. 638, by Senators Day and Holman (by executive request)

An Act relating to state government, providing for comprehensive health planning, and certificates of need for hospital and nursing home construction, and adding a new chapter to Title 70 RCW

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO. 639, by Senators Sandison, Holman and Clarke:

An Act relating to funding or refunding indebtedness of the Washington state bonding authority.

Referred to Committee on State Government.

SENATE BILL NO. 640, by Senator Guess

An Act relating to public works, removing residency requirements for employment on public works, repealing section 1, chapter 246, Laws of 1943 and RCW 39.16.010, repealing section 2, chapter 246, Laws of 1943 and RCW 39.16.020, repealing section 3, chapter 246, Laws of 1943 and RCW 39.16.030, and repealing section 4, chapter 246 Laws of 1943 and RCW 39.16.040

Referred to Committee on Labor and Industrial Insurance

SENATE BILL NO. 641, by Senators Sandison and Elcker:

An Act relating to marine mammals, amending section 75.08.080, chapter 12, Laws of 1955 and RCW 75.08.080, adding new sections to chapter 12, Laws of 1955 and to Title 75 RCW; repealing section 75.16.040, chapter 12, Laws of 1955 and RCW 75.16.040; prescribing penalties; and declaring an emergency.

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO. 642, by Senators Sandison, Holman and Clarke:

An Act relating to state government, authorizing the state finance committee to supervise and control the incurrence of state debt; and creating new sections.

Referred to Committee on State Government.

SENATE BILL NO. 643, by Senators Washington, Atwood and Gissberg (by Washington Law Enforcement Officers' Training Commission request):

An Act relating to the establishment of a law enforcement officers' training facility, and making an appropriation.

Referred to Committee on State Government

**SENATE BILL NO 644, by Senators Wilson and Holman:**

An Act relating to revenue and taxation, amending section 28A 45 010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 65, Laws of 1970 ex. sess. and RCW 28A 45 010; amending section 28A 45 100, chapter 223, Laws of 1969 ex. sess. and RCW 28A 45 100, and prescribing an effective date.

Referred to Committee on Ways and Means—Revenue and Taxation.

**SENATE BILL NO 645, by Senators Connor, Stortini and Peterson (Ted)**

An Act relating to local government, including cities, towns, counties and other local subdivisions

Referred to Committee on Cities, Towns and Counties.

**SENATE BILL NO. 646, by Senators Connor, Stortini and Peterson (Ted)**

An Act relating to local government, including cities, towns, counties and other local subdivisions.

Referred to Committee on Cities, Towns and Counties.

**SENATE BILL NO. 647, by Senators Ridder, Clarke and Woodall (by Department of Social and Health Services request):**

An Act relating to state institutions, amending section 72 33 180, chapter 28, Laws of 1959 as last amended by section 2, chapter 75, Laws of 1970 ex. sess. and RCW 72 33 180; amending section 8, chapter 141, Laws of 1967 and RCW 72 33 685, creating new sections, repealing section 1, chapter 141, Laws of 1967 and RCW 72 33 650, repealing section 2, chapter 141, Laws of 1967 and RCW 72 33 655, repealing section 3, chapter 141, Laws of 1967 and RCW 72 33 660, repealing section 4, chapter 141, Laws of 1967 and RCW 72 33 665, repealing section 5, chapter 141, Laws of 1967, section 1, chapter 75, Laws of 1970 ex. sess. and RCW 72 33 670; repealing section 7, chapter 141, Laws of 1967 and RCW 72 33 680, repealing section 9, chapter 141, Laws of 1967 and RCW 72 33 690, repealing section 11, chapter 141, Laws of 1967 and RCW 72 33 695, and declaring an emergency

Referred to Committee on Public Institutions

**SENATE BILL NO 648, by Senators Durkan, Atwood and Dore (by Attorney General request)**

An Act relating to state government, creating new sections; providing an effective date, and declaring an emergency

Referred to Committee on Ways and Means—Appropriations

**SENATE BILL NO 649, by Senators Andersen and Bailey (by Department of Personnel request):**

An Act relating to salaries of certain public officials, amending section 43 03 028, chapter 8, Laws of 1965 as last amended by section 2, chapter 43, Laws of 1970 ex. sess. and RCW 43 03 028, amending section 43 03 040, chapter 8, Laws of 1965 as amended by section 3, chapter 43, Laws of 1970 ex. sess. and RCW 43 03 040, amending section 2, chapter 125, Laws of 1967 ex. sess. and RCW 43 46 045, amending section 8, chapter 270, Laws of 1955 as amended by section 7, chapter 37, Laws of 1957 and RCW 49 60 120; amending section 5, chapter 44, Laws of 1941 as amended by section 3, chapter 62, Laws of 1965 ex. sess. and RCW 27 36 050, amending section 6, chapter 274, Laws of 1947 as last amended by section 4, chapter 174, Laws of 1963 and RCW 41 40 060, amending section 13, chapter 5, Laws of 1965 as amended by section 3, chapter 62, Laws of 1967 ex. sess. and RCW 43 99 130, amending section 8, chapter 158, Laws of 1965 as amended by section 2, chapter 220, Laws of 1969 ex. sess. and RCW 43 100 080, amending section 3, chapter 243, Laws of 1967 and RCW 43 94 030, amending section 13, chapter 1, Laws of 1961 and RCW 41 06 130, amending section 43 33 030, chapter 8, Laws of 1965 and RCW 43 33 030; amending section 2, chapter 5, Laws of 1941 as amended by section 2, chapter 207, Laws of 1943 and RCW 27 04 030, amending section 10, chapter 80, Laws of 1947 as amended by section 3, chapter 150, Laws of 1969 ex. sess. and RCW 41 32 100; amending section 7, chapter 147, Laws of 1967 ex. sess. and RCW 43 59 060, amending section 5,

chapter 123, Laws of 1965 ex sess and RCW 91 12 050, and amending section 28B 50 200, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50 200

Referred to Committee on State Government.

SENATE BILL NO 650, by Senators Mardesich, Gissberg Holman and Ebcker (by Department of Revenue request):

An Act relating to revenue and taxation; amending section 7, chapter 94, Laws of 1970 ex sess. and RCW 82 14 020, adding a new section to chapter 94, Laws of 1970 ex. sess. and to chapter 82 14 RCW; and providing an effective date.

Referred to Committee on Ways and Means—Revenue and Taxation.

There being no objection the rules were suspended and additional sponsors were added to Senate Bill No. 650

SENATE BILL NO 651 by Senators Walgren, Connor and Twigg (by Department of Revenue request):

An Act relating to revenue and taxation amending section 83 44 080, chapter 15, Laws of 1961 as amended by section 1, chapter 73, Laws of 1969 and RCW 83 44 080, and declaring an emergency

Referred to Committee on Ways and Means—Revenue and Taxation

SENATE BILL NO 652 by Senators Day Guess Fleming, Connor, Cooney, Woodall, Huntley, Newschwander, Matson, Holman and Twigg

An Act relating to husband and wife and family desertion or nonsupport; amending section 2407, Code of 1881 as amended by section 1, chapter 207, Laws of 1969 ex sess. and RCW 26 16 205, and amending section 1, chapter 28, Laws of 1913 as last amended by section 2 chapter 207, Laws of 1969 ex. sess. and RCW 26 20 030

Referred to Judiciary Committee

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 652.

SENATE BILL NO 653, by Senators Gissberg, Gardner, Scott, Peterson (Ted), Mardesich, Murray and Stender:

An Act relating to education and certain employer-employee relationships therein, amending section 28A.72 020, chapter 223, Laws of 1969 ex sess and RCW 28A.72 020, amending section 28A 72 030, chapter 223, Laws of 1969 ex sess and RCW 28A 72 030; amending section 28A.72 060, chapter 223, Laws of 1969 ex sess as amended by section 3, chapter 52, Laws of 1969 ex sess and RCW 28A 72 060, amending section 28A 72 080, chapter 223, Laws of 1969 ex sess and RCW 28A 72 080, and adding new sections to chapter 223, Laws of 1969 ex. sess and to chapter 28A 72 RCW.

Referred to Committee on Education.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 653

SENATE BILL NO. 654, by Senator Mardesich:

An Act relating to motor vehicle casualty insurance, providing for mandatory basic protection insurance, providing for compensation for certain losses without regard to fault; defining terms, creating a new chapter in Title 48 RCW, creating new sections; repealing section 22 02, chapter 79, Laws of 1947 and RCW 48.22 020, providing penalties, and declaring effective dates

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 655, by Senator Mardesich:

An Act relating to fish and shellfish, and amending section 75.12.010, chapter 12, Laws of 1955 and RCW 75 12.010.

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO 656, by Senators Knoblauch Lewis and Mardesich (by Insurance Commissioner request):



An Act relating to the state fire marshal, amending section 33 02, chapter 79, Laws of 1947 as amended by section 17, chapter 241, Laws of 1969 ex. sess. and RCW 48 48 020, amending section 33 03, chapter 79, Laws of 1947 and RCW 48 48 030, amending section 33 04, chapter 79, Laws of 1947 and RCW 48 48 040, amending section 33 06, chapter 79, Laws of 1947 and RCW 48 48 060, amending section 33 08, chapter 79, Laws of 1947 and RCW 48 48 080, amending section 33 09, chapter 79, Laws of 1947 and RCW 48 48 090; and amending section 33 10, chapter 79, Laws of 1947 and RCW 48 48 100.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO 657, by Senator Mardesich:

An Act relating to administrative procedures, providing that nonemergency rules become effective only after legislative approval, and amending section 4, chapter 234, Laws of 1959 and RCW 34 04 040.

Referred to Committee on State Government.

SENATE BILL NO 658, by Senator Mardesich:

An Act relating to retail sales, providing for the identification of the manufacturer of all manufactured goods; providing penalties; and creating a new section.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO 659, by Senator Mardesich:

An Act relating to tax deferred annuity benefits for public employees and officials, providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO 660, by Senator Mardesich:

An Act relating to banking.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO 661, by Senator Mardesich:

An Act relating to insurance.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO 662, by Senator Mardesich:

An Act relating to insurance.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO 663, by Senator Mardesich:

An Act relating to banking.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO 664, by Senator Mardesich:

An Act relating to transportation, and adding a new section to chapter 81 80 RCW.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO 665, by Senator Mardesich:

An Act relating to thermal power plants, amending section 1, chapter 45, Laws of 1970 ex. sess. and RCW 80 50 010, amending section 3, chapter 45, Laws of 1970 ex. sess. and RCW 80 50 030, and amending section 4, chapter 45, Laws of 1970 ex. sess. and RCW 80 50 040.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO 666, by Senator Mardesich:

An Act relating to costs in civil actions, and adding new sections to chapter 4 84 RCW.

Referred to Judiciary Committee.

SENATE BILL NO 667, by Senator Mardesich:

An Act relating to utilities.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 668, by Senator Mardesich  
An Act relating to state government, creating a joint committee on banking, insurance, and transportation, and creating a new chapter in Title 44 RCW  
Referred to Committee on State Government

SENATE BILL NO. 669, by Senator Mardesich  
An Act relating to utilities.  
Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 670, by Senator Mardesich,  
An Act relating to the regulation of business and professions.  
Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 671, by Senator Mardesich.  
An Act relating to the disposal of scrap vehicles.  
Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 672, by Senator Mardesich.  
An Act relating to small loans.  
Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 673, by Senator Mardesich:  
An Act relating to securities and investments, establishing new requirements for the protection of the public, amending section 28, chapter 282, Laws of 1959 and RCW 21 20 080, adding new sections to chapter 21 20 RCW, and repealing section 29, chapter 282, Laws of 1959 and RCW 21 20 290.  
Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 674, by Senator Mardesich:  
An Act relating to public utility districts; and amending section 19, chapter 390, Laws of 1955 as last amended by section 1, chapter 146, Laws of 1963 and RCW 54 16 180  
Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 675, by Senator Mardesich  
An Act relating to counties, providing for county wide sewer and water districts, establishing a commission to govern such districts adding a new chapter to Title 39 RCW; and creating new sections.  
Referred to Committee on Cities, Towns and Counties

SENATE JOINT MEMORIAL NO. 10, by Senators Metcalf, Newchwander and Talley  
Requesting the federal government to amend the Constitution to clarify the relationship between law enforcement authorities and alleged law violators  
Referred to Judiciary Committee

SENATE JOINT MEMORIAL NO. 11, by Senators Bailey, Fleming, Herr, Lewis, Francis and Elcker (by Secretary of State request):  
Requesting Congress to amend Constitution to make eighteen uniform voting age  
Referred to Committee on Constitution, Elections and Legislative Processes.  
There being no objection, the rules were suspended and additional sponsors were added to Senate Joint Memorial No. 11

SENATE JOINT RESOLUTION NO. 30, by Senators Holman, Ridder and McDougall.  
Revising constitutional provisions pertaining to excess levies.  
Referred to Committee on Constitution, Elections and Legislative Processes.

HOUSE BILL NO. 53, by Representatives Cunningham, Berentson and Conner (by departmental request)

Providing changes in the regulation of classified drivers licenses.

Referred to Committee on Transportation

ENGROSSED HOUSE BILL NO. 112, by Representatives Smythe, Moon and Bledsoe (by Legislative Council request)

Providing for the taxation and regulation of campers

Referred to Committee on Ways and Means—Revenue and Taxation

ENGROSSED HOUSE BILL NO. 153, by Representatives Hansey, Bottiger and Copeland (by departmental request).

Exempting certain aircraft from state registration

Referred to Committee on Commerce and Regulatory Agencies

ENGROSSED HOUSE BILL NO. 157, by Representatives Kirk, McDermott, Farr, Charette, Wanamaker, Kraabel, Kilbury, Knowles, Kopet, Kuehnle, Lynch, Merrill, North, Pardini, Ross and Smith:

Providing immunity from implied warrant and civil liability in blood transfusions

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 160, by Representatives Hansey, Bottiger, Copeland, Ceccarelli, Charnley, Douthwaite, May and Smith (by departmental request).

Requiring all state aircraft to be equipped with downed aircraft rescue transmitters

Referred to Committee on Commerce and Regulatory Agencies

ENGROSSED HOUSE BILL NO. 161, by Representatives Wolf, Bottiger, Conway, O'Brien and Bozarth (by Legislative Council request):

Providing for fire protection for the state capitol.

Referred to Committee on State Government.

The committee of honor escorted the honored guest, Bob Barker, from the Senate Chamber.

#### MOTION

At 12:05 p.m., on motion of Senator Bailey, the Senate recessed until 12:45 p.m.

#### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 12:45 p.m.

#### MOTION

At 12:50 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Friday, February 19, 1971.

JOHN A. CHERBERG, President of the Senate

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTIETH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, February 19, 1971.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Day, Durkan and Whetzel. On motion of Senator Keefe, Senators Day and Durkan were excused. On motion of Senator McDougall, Senator Whetzel was excused.

The Color Guard, consisting of Pages Darvi Deutsch, Color Bearer, and Robin Webber, presented the Colors. Reverend J. Alan Justad, pastor of First United Methodist Church of Olympia, offered prayer as follows:

"We recognize, our Father, as George Washington saw so clearly, that 'no people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than those of the United States. Every step by which we have advanced to the character of an independent nation seems to have been distinguished by some token of Providential agency.'"

"Our Father, we believe that Thy Hand that hath brought us thus far will not forsake us now. At every Senator's desk may there be a whisper of Thy counsel. We pray for the members of this body in their heavy and history-making responsibilities."

"O God, we are deeply troubled as we know that Thou art, at the economic and social problems which plague our lovely state. We find ourselves in the midst of a shattering revolution which divides our people in bitterly armed camps, the young versus the old, the have versus the have nots; the white versus the non-white. We acknowledge that our human knowledge is far too limited to solve these problems."

"We therefore come, O Father, thanking Thee that Thou hast said 'Seek and ye shall find; knock and it shall be opened unto you; ask and it shall be given unto you.' Give to this distinguished body the true faith to believe that there is no problem before them that Thy wisdom cannot solve. As Thou hast guided their colleagues of the past as they turned to Thee for wisdom, so give personal strength and wisdom to each Senator here today. May Thy divine Love help to melt away any fears and animosities that the common good for all may be achieved. May a fresh wind of Thy Spirit blow through these marble halls and empower these legislators to achieve the impossible, because they trusted in Thee with whom all things are possible. For this we thank Thee, Amen."

On motion of Senator Grewe, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

February 16, 1971

SENATE BILL NO. 90, providing for the preservation of legislative records (reported by Committee on Constitution, Elections and Legislative Processes).

MAJORITY recommendation: That Substitute Senate Bill No. 90 be substituted therefor and the substitute bill do pass.

Signed by: Senators McCutcheon, Chairman; Wilson, Vice Chairman; Canfield, Donohue, Dore, Holman, Keefe, Matson, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

February 10, 1971.

SENATE BILL NO. 136, regulating the use of blue lights on emergency vehicles (reported by Committee on Transportation).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Connor, Donohue, Elicker, Foley, Guess, Huntley, Knoblauch, McDougall, Matson, Murray, Scott, Talley, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

February 17, 1971.

SENATE BILL NO. 264, providing financial aid to certain students attending elementary and secondary schools (reported by Committee on Rules and Joint Rules)

Which recommends Senate Bill No. 264 be referred to Committee on Ways and Means—Appropriations.

Signed by: President Cherberg, Chairman, Senators Andersen, Atwood, Bailey, Foley, Guess, Henry, Keefe, Knoblauch, Peterson (Ted), Ridder, Stender, Talley, Woodall

February 17, 1971.

SENATE BILL NO. 265, providing that financial aid for part time students shall include those receiving ancillary services from school (reported by Committee on Rules and Joint Rules)

Which recommends Senate Bill No. 265 be referred to Committee on Ways and Means—Appropriations.

Signed by: President Cherberg, Chairman, Senators Andersen, Atwood, Bailey, Foley, Guess, Henry, Keefe, Knoblauch, Peterson (Ted), Ridder, Stender, Talley, Woodall.

February 16, 1971.

SENATE BILL NO. 273, authorizing for consent for drug and alcohol abuse care by minors (reported by Committee on Public Institutions)

MAJORITY recommendation: Do pass.

Signed by: Senators Odegaard, Chairman, Clarke, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg

Passed to Committee on Rules and Joint Rules for second reading

February 18, 1971.

SENATE BILL NO. 322 providing for alternative education programs for pregnant students (reported by Committee on Education)

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman, Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard, Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

February 18, 1971

SENATE BILL NO. 327, implementing interdistrict cooperation act of 1969 (reported by Committee on Education)

MAJORITY recommendation: Do pass

Signed by: Senators Francis, Chairman, Fleming, Gardner, McCutcheon, Murray, Ridder, Washington.

MINORITY recommendation: Do not pass.

Signed by: Senators Metcalf, Newschwander, Peterson (Ted), Stender.

Passed to Committee on Rules and Joint Rules for second reading

February 18, 1971

SENATE CONCURRENT RESOLUTION NO. 4, providing for a study in agency responsibility in educating handicapped children (reported by Committee on Education).

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman, Fleming, Gardner, Metcalf, Murray, Odegaard, Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading

February 18, 1971

HOUSE BILL NO. 12, truant schools, provisions repealed (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman, Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard, Ridder, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading

February 18, 1971.

HOUSE BILL NO. 14, school holidays, provisions revised (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman, Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard, Ridder, Stender, Washington

Passed to Committee on Rules and Joint Rules for second reading

February 18, 1971

HOUSE BILL NO. 15, common schools, violence prohibited (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman, Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard, Ridder, Stender, Washington.  
Passed to Committee on Rules and Joint Rules for second reading.

February 18, 1971

HOUSE BILL NO. 16, school year emergency, provision repealed (reported by Committee on Education).  
MAJORITY recommendation: Do pass.  
Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard, Ridder, Stender, Washington.  
Passed to Committee on Rules and Joint Rules for second reading.

February 18, 1971.

HOUSE BILL NO. 17, orphans, school attendance, fund credits (reported by Committee on Education).  
MAJORITY recommendation: Do pass.  
Signed by: Senators Francis, Chairman; Fleming, Metcalf, Murray, Newschwander, Odegaard, Ridder, Stender, Washington.  
Passed to Committee on Rules and Joint Rules for second reading.

February 18, 1971

HOUSE BILL NO. 18, intermediate school districts, references (reported by Committee on Education).  
MAJORITY recommendation: Do pass.  
Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard, Ridder, Stender, Washington.  
Passed to Committee on Rules and Joint Rules for second reading.

February 16, 1971

HOUSE BILL NO. 245, permitting election candidate's name twice on ballots if one position he that for precinct committeeman (reported by Committee on Constitution, Elections and Legislative Processes).  
MAJORITY recommendation: Do pass.  
Signed by: Senators McCutcheon, Chairman; Wilson, Vice Chairman; Canfield, Donohue, Holman, Keefe, Mardesich, Matson, Stender, Woodall.  
Passed to Committee on Rules and Joint Rules for second reading.

### GOVERNMENTAL APPOINTMENT

February 16, 1971

JACK G. NELSON, to the position of Director of the Department of Motor Vehicles, appointed by the Governor on April 28, 1970 for the term ending at the Governor's pleasure, succeeding Douglas Toms (reported by the Committee on Transportation).  
MAJORITY recommends that said appointment be confirmed.  
Signed by: Senators Washington, Chairman, Connor, Donohue, Elcker, Foley, Guess, Huntley, Knoblach, McDonnell, Matson, Murray, Scott, Talley, Walgren.  
Passed to Committee on Rules and Joint Rules.

### MESSAGES FROM THE HOUSE

February 18, 1971

Mr. President, The House has passed  
HOUSE BILL NO. 173,  
ENGROSSED HOUSE BILL NO. 198,  
HOUSE BILL NO. 212,  
ENGROSSED HOUSE BILL NO. 213,  
ENGROSSED HOUSE BILL NO. 253,  
HOUSE BILL NO. 307,  
HOUSE BILL NO. 313,  
ENGROSSED HOUSE BILL NO. 320,  
HOUSE BILL NO. 434,  
ENGROSSED HOUSE JOINT RESOLUTION NO. 22,  
and the same are herewith transmitted DONALD R. WILSON, Assistant Chief Clerk

February 18, 1971

Mr. President, The Speaker has signed:  
HOUSE BILL NO. 92,  
HOUSE BILL NO. 93,  
HOUSE BILL NO. 94,

HOUSE BILL NO. 95,  
HOUSE BILL NO. 96,  
HOUSE BILL NO. 97,  
HOUSE BILL NO. 98,

and the same are herewith transmitted DONALD R. WILSON, Assistant Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 92,  
HOUSE BILL NO. 93,  
HOUSE BILL NO. 94,  
HOUSE BILL NO. 95,  
HOUSE BILL NO. 96,  
HOUSE BILL NO. 97,  
HOUSE BILL NO. 98.

#### MOTION

Senator Greive moved that the rules be suspended and the Secretary of the Senate read the bill number and the committee referral only.

#### POINT OF INQUIRY

Senator Washington: "Would Senator Greive yield? Senator, since we are not going to really have time to go over each referral, I would hope that the sense of your motion would be that if by Monday we note that it appears there may have been a wrong committee assignment we could make a motion at that time which would generally be accepted by the body as having been made at the time the bill was referred and not one which would be aimed at taking a bill away from a committee after it had already been referred."

Senator Greive: "I have no objection to that. I made this motion because realizing there is some other business it gives everyone a chance to read the list over and if they do not like a referral, they could raise the point at that time."

The motion by Senator Greive carried.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 676, by Senators Stortum, Gardner and Huntley (by Aeronautics Commission request).

An Act relating to revenue and taxation; amending section 82 36 010, chapter 15, Laws of 1961 as last amended by section 1, chapter 153, Laws of 1967 and RCW 82 36 010; adding new sections to chapter 82 42 RCW, repealing section 1, chapter 10, Laws of 1967 ex sess., section 1, chapter 254, Laws of 1969 ex sess., and RCW 82 42 010, repealing section 2, chapter 10, Laws of 1967 ex sess., section 2, chapter 254, Laws of 1969 ex sess. and RCW 82 42 020, repealing section 3, chapter 10, Laws of 1967 ex sess., and RCW 82 42 030, repealing section 4, chapter 10, Laws of 1967 ex sess., section 3, chapter 254, Laws of 1969 ex sess. and RCW 82 42 040, repealing section 5, chapter 10, Laws of 1967 ex sess., section 4, chapter 254, Laws of 1969 ex sess. and RCW 82 42 050, repealing section 6, chapter 10, Laws of 1967 ex sess., section 4, chapter 139, Laws of 1969, section 5, chapter 254, Laws of 1969 ex sess. and RCW 82 42 060, repealing section 7, chapter 10, Laws of 1967 ex sess. and RCW 82 42 070, repealing section 8, chapter 10, Laws of 1967 ex sess. and RCW 82 42 080, repealing section 9, chapter 10, Laws of 1967 ex sess. and RCW 82 42 090, repealing section 10, chapter 10, Laws of 1967 ex sess. and RCW 82 42 100, repealing section 11, chapter 10, Laws of 1967 ex sess. and RCW 82 42 900; and prescribing an effective date.

Referred to Committee on Ways and Means Revenue and Taxation.

SENATE BILL NO. 677, by Senator Gissberg

An Act relating to public depositaries, amending section 1, chapter 193, Laws of 1969 ex sess. and RCW 39.58 010; amending section 11, chapter 193, Laws of 1969 and RCW

39 58.110, and amending section 13, chapter 193, Laws of 1969 ex sess. and RCW 39 58.130

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO 678, by Senator Walgren:

An Act relating to the optional municipal code, amending section 35A 02 050, chapter 119, Laws of 1967 ex sess. as amended by section 2, chapter 52, Laws of 1970 ex sess. and RCW 35A 02 050, amending section 35A 02 080, chapter 119, Laws of 1967 ex sess. and RCW 35A 02 080, amending section 35A 02 090, chapter 119, Laws of 1967 ex sess. and RCW 35A 02 090, amending section 35A 12 070, chapter 119, Laws of 1967 ex sess. and RCW 35A 12 070, amending section 35A 14 030, chapter 119, Laws of 1967 ex sess. and RCW 35A 14 030, amending section 35A 14 050, chapter 119, Laws of 1967 ex sess. and RCW 35A 14 050, amending section 35A 14 160, chapter 119, Laws of 1967 ex sess. and RCW 35A 14 160, amending section 35A 58 030, chapter 119, Laws of 1967 ex sess. and RCW 35A 58 030, amending section 35A 14 015, chapter 119, Laws of 1967 ex sess. and RCW 35A 14 015, amending section 35A 14 200, chapter 119, Laws of 1967 ex sess. and RCW 35A 14 200, and amending section 35A.14.210, chapter 119, Laws of 1967 ex sess. and RCW 35A 14 210

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO 679 by Senators Gardner, Metcalf and Murray (by Superintendent of Public Instruction request).

An Act relating to education.

Referred to Committee on Education

SENATE BILL NO 680, by Senators Walgren and Gardner:

An Act relating to consumer protection

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO 681, by Senator Walgren:

An Act relating to state government., providing for the regulation and registration of building designers; and prescribing penalties.

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO 682, by Senator Walgren

An Act relating to the creation of a legislative municipal committee.

Referred to Committee on State Government

SENATE BILL NO 683, by Senator Walgren

An Act relating to cities, towns and counties.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO 684, by Senators Walgren and Gardner:

An Act relating to consumer protection.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO 685, by Senators Elcker, Sandison and Atwood (by executive and Indian Affairs Task Force request):

An Act relating to state jurisdiction over Indians and Indian territories, country or lands; providing for retrocession of state jurisdiction, and adding new sections to chapter 240, Laws of 1957 and to chapter 37.12 RCW

Referred to Judiciary Committee.

SENATE BILL NO 686, by Senators Greive, Stortin, Stender, Bailey, Ridder, Peterson (Lowell), Dore, Ouegaard, Jolly, Mardesich, Peterson (Ted), Gissberg, Durkan, Francis, Fleming, Herr, Connor, Washington, Walgren and McCutcheon.

An Act relating to industrial insurance, amending section 3, chapter 107, Laws of 1961 and RCW 51 08 013, amending section 51 08.070, chapter 23, Laws of 1961 and RCW



51 08 070; amending section 51 12 010, chapter 23, Laws of 1961 and RCW 51 12 010; amending section 51 12 020, chapter 23, Laws of 1961 and RCW 51 12 020; amending section 51 16 110, chapter 23, Laws of 1961 and RCW 51 16 110; amending section 51 28 010, chapter 23, Laws of 1961 and RCW 51 28 010; amending section 51 28 030, chapter 23, Laws of 1961 and RCW 51 28 030; amending section 51 32 050, chapter 23, Laws of 1961 as last amended by section 1, chapter 122, Laws of 1965 ex sess. and RCW 51 32 050; amending section 51 32 060, chapter 23, Laws of 1961 as last amended by section 2, chapter 122, Laws of 1965 ex sess. and RCW 51 32 060; amending section 51 32 070, chapter 23, Laws of 1961 as last amended by section 1, chapter 166, Laws of 1965 ex sess. and RCW 51 32 070; amending section 51 32 080, chapter 23, Laws of 1961 as last amended by section 1, chapter 165, Laws of 1965 ex sess. and RCW 51 32 080; amending section 51 32 090, chapter 23, Laws of 1961 as last amended by section 3, chapter 122, Laws of 1965 ex sess. and RCW 51 32 090; amending section 51 32 110, chapter 23, Laws of 1961 and RCW 51 32 110; adding new sections to chapter 51 08 RCW; adding a new section to chapter 51 16 RCW; repealing section 51 16 010, chapter 23, Laws of 1961 and RCW 51 16 010; repealing section 51 16 020, chapter 23, Laws of 1961, section 6, chapter 274, Laws of 1961 and RCW 51 16 020; repealing section 51 16 030, chapter 23, Laws of 1961 and RCW 51 16 030; repealing section 51 16 050, chapter 23, Laws of 1961 and RCW 51 16 050; repealing section 51 16 080, chapter 23, Laws of 1961 and RCW 51 16 080; providing an effective date, and declaring an emergency.

Referred to Committee on Labor and Industrial Insurance.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 686.

SENATE BILL NO. 687, by Senator Wilson:

An Act relating to law enforcement officers and firefighters; amending section 51 12 051, chapter 23, Laws of 1961 and RCW 51 12 050; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Labor and Industrial Insurance.

SENATE BILL NO. 688, by Senators Ridder, Clarke and Scott:

An Act relating to law enforcement officers' and fire fighters' retirement system, and amending section 15, chapter 209, Laws of 1969 ex sess. as last amended by section 10, chapter 6, Laws of 1970 ex sess. and RCW 41 26 150.

Referred to Committee on Public Pensions and Social Security.

SENATE BILL NO. 689, by Senators Clarke, Wilson and Gissberg:

An Act relating to law enforcement officers' and fire fighters' retirement system, and amending section 15, chapter 209, Laws of 1969 ex sess. as last amended by section 10, chapter 6, Laws of 1970 ex sess. and RCW 41 26 150.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 690, by Senators Greive, Anderson, Durkan, Holman, Connor, Whetzel, Washington, Murray and Scott:

An Act relating to metropolitan municipal corporations, amending section 35 58 040, chapter 7, Laws of 1965 as amended by section 1, chapter 105, Laws of 1967 and RCW 35 58 040; amending section 10, chapter 105, Laws of 1967 and RCW 35 58 118; amending section 35 58 120, chapter 7, Laws of 1965, as last amended by section 1, chapter 235, Laws of 1969 ex sess. and RCW 35 58 120; amending section 35 58 140, chapter 7, Laws of 1965 as last amended by section 2, chapter 135, Laws of 1969 ex sess. and RCW 35 58 140; amending section 35 58 200, chapter 7, Laws of 1965 and RCW 35 58 200; amending section 35 58 240, chapter 7, Laws of 1965 as amended by section 11, chapter 105, Laws of 1967 and RCW 35 58 240; amending and reenacting section 1, chapter 11, Laws of 1970 ex sess. as amended by section 13, chapter 42, Laws of 1970 ex sess. and by section 38, chapter 56, Laws of 1970 ex sess. and RCW 35 58 450; amending section 16, chapter 105, Laws of 1967 and RCW 35 58 560; and declaring an emergency.

Referred to Committee on Cities, Towns and Counties.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 690

SENATE BILL NO. 691, by Senators Greive, Andersen, Durkan, Holman, Connor, Whetzel, Washington, Murray and Scott:

An Act relating to revenue and taxation and public transportation, amending section 2, chapter 111, Laws of 1965 ex sess. as last amended by section 2, chapter 253, Laws of 1969 ex sess. and RCW 35.95.020, amending section 4, chapter 111, Laws of 1965 ex sess. and RCW 35.95.040, amending section 5, chapter 111, Laws of 1965 ex sess. as amended by section 66, chapter 145, Laws of 1967 ex sess. and RCW 35.95.050, amending section 6, chapter 94, Laws of 1970 ex sess. and RCW 82.14.050, amending section 7, chapter 94, Laws of 1970 ex sess. and RCW 82.14.060; creating new sections; and declaring an emergency

Referred to Committee on Ways and Means—Revenue and Taxation.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 691

SENATE BILL NO. 692, by Senators Wilson and Holman:

An Act relating to higher education; and amending section 28B.50.240 chapter 223, Laws of 1969 ex sess. as amended by section 24, chapter 261, Laws of 1969 ex sess. and RCW 28A.09.100

Referred to Committee on Higher Education and Libraries.

SENATE BILL NO. 693, by Senators Greive, Lewis, Gardner and Peterson (Ted) (by executive request):

An Act relating to revenue and taxation, adding new sections to chapter 82.04 RCW; creating new sections, and declaring an emergency.

Referred to Committee on Ways and Means—Revenue and Taxation

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 693

SENATE BILL NO. 694, by Senators Atwood and Sandison (by Department of Labor and Industries request):

An Act relating to mediation; amending section 1, chapter 58, Laws of 1903 and RCW 49.08.010 and amending section 10, chapter 108, Laws of 1967 ex sess. and RCW 41.56.100.

Referred to Committee on Labor and Industrial Insurance.

SENATE BILL NO. 695, by Senators Peterson (Ted), Cooney and Day:

An Act relating to medical service corporations.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO. 696, by Senators Day, Cooney, Mardesich and Peterson (Ted).

An Act relating to insurance; and amending section 13, chapter 197 Laws of 1961 as amended by section 3, chapter 115, Laws of 1969 and RCW 48.44.160

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 696.

SENATE BILL NO. 697, by Senator Keefe:

An Act relating to commerce.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 698, by Senators Holman, Dore and Clarke

An Act relating to the judiciary.

Referred to Judiciary Committee.

SENATE BILL NO. 699, by Senators Holman, Wilson and Lewis (by Secretary of State request):

An Act relating to elections, amending section 29 01.140, chapter 9, Laws of 1965 and RCW 29 01.140, amending section 29 39.120, chapter 9, Laws of 1965 and RCW 29 39.120; amending section 1, chapter 73, Laws of 1967 ex sess. and RCW 29 72.010, amending section 2, chapter 73, Laws of 1967 ex sess. and RCW 29 72.020, amending section 3, chapter 73, Laws of 1967 ex sess. and RCW 29 72.030, amending section 4, chapter 73, Laws of 1967 ex sess. and RCW 29 72.040, amending section 5, chapter 73, Laws of 1967 ex sess. and RCW 29 72.050, amending section 6, chapter 73, Laws of 1967 ex sess. and RCW 29 72.060, amending section 7, chapter 73, Laws of 1967 ex sess. and RCW 29 72.070; amending section 8, chapter 73, Laws of 1967 ex sess. and RCW 29 72.080, adding new sections to chapter 73, Laws of 1967 ex sess. and to chapter 29 72 RCW, adding a new section to chapter 29 07 RCW, defining crimes, prescribing penalties, creating new sections, and providing for an effective date.

Referred to Committee on Constitution, Elections and Legislative Processes

SENATE BILL NO. 700, by Senators Greive, Lewis, Gardner and Peterson (Ted) (by executive request):

An Act relating to the economic development of distressed or low growth regions, creating new sections; and declaring an emergency.

Referred to Committee on Manufacturing and Industrial Development.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 700.

SENATE BILL NO. 701, by Senators McDougall and Huntley (by executive request)

An Act relating to industrial insurance, amending section 51 04.010, chapter 23, Laws of 1961 and RCW 51 04.010, amending section 51 04.020, chapter 23, Laws of 1961 as amended by section 1, chapter 29, Laws of 1963 and RCW 51 04.020; amending section 51 04.030, chapter 23, Laws of 1961 and RCW 51 04.030, amending section 51 04.050, chapter 23, Laws of 1961 and RCW 51 04.050; amending section 51 04.060, chapter 23, Laws of 1961 and RCW 51 04.060; amending section 51 04.070, chapter 23, Laws of 1961 and RCW 51 04.070, amending section 51 04.080, chapter 23, Laws of 1961 and RCW 51 04.080, amending section 51 04.090, chapter 23, Laws of 1961 and RCW 51 04.090, amending section 3, chapter 107, Laws of 1961 and RCW 51 08.013, amending section 51 08.050, chapter 23, Laws of 1961 and RCW 51 08.050, amending section 51 08.070, chapter 23, Laws of 1961 and RCW 51 08.070, amending section 51 08.180, chapter 23, Laws of 1961 and RCW 51 08.180, amending section 51 12.010, chapter 23, Laws of 1961 and RCW 51 12.010, amending section 51 12.020, chapter 23, Laws of 1961 and RCW 51 12.020, amending section 51 12.050, chapter 23, Laws of 1961 and RCW 51.12.050, amending section 51 12.070, chapter 23, Laws of 1961 as amended by section 1, chapter 20, Laws of 1965 ex sess. and RCW 51 12.070, amending section 51 12.080, chapter 23, Laws of 1961 and RCW 51 12.080, amending section 51 12.090, chapter 23, Laws of 1961 and RCW 51 12.090; amending section 51 12.110, chapter 23, Laws of 1961 and RCW 51 12.110, amending section 51 16.040, chapter 23, Laws of 1961 and RCW 51 16.040, amending section 2, chapter 151, Laws of 1963 and RCW 51 16.042, amending section 51 16.060, chapter 23, Laws of 1961 as amended by section 1, chapter 80, Laws of 1965 ex sess. and RCW 51 16.060, amending section 51 16.070, chapter 23, Laws of 1961 and RCW 51 16.070, amending section 51 16.090, chapter 23, Laws of 1961 and RCW 51 16.090, amending section 51 16.100, chapter 23, Laws of 1961 and RCW 51 16.100, amending section 51 16.105, chapter 23, Laws of 1961 and RCW 51 16.105, amending section 51 16.140, chapter 23, Laws of 1961 and RCW 51 16.140, amending section 51 16.150, chapter 23, Laws of 1961 and RCW 51 16.150, amending section 51 16.160, chapter 23, Laws of 1961 and RCW 51 16.160, amending section 51 16.170, chapter 23, Laws of 1961 and RCW 51 16.170, amending section 51 16.180, chapter 23, Laws of 1961 and RCW 51.16.180, amending section 51 24.010, chapter 23, Laws of 1961 as amended by section 7, chapter 274, Laws of 1961 and RCW 51 24.010, amending section 51 28.020, chapter 23, Laws of 1961 and RCW 51 28.020; amending section 51 28.030, chapter 23, Laws of 1961 and RCW 51 28.030, amending section 51.32.010, chapter 23, Laws of 1961

and RCW 51 32 010, amending section 1, chapter 107, Laws of 1961 and RCW 51 32 015, amending section 51 32 020, chapter 23, Laws of 1961 and RCW 51 32 020, amending section 51 32 040, chapter 23, Laws of 1961 as amended by section 2, chapter 165, Laws of 1965 ex sess and RCW 51 32 040, amending section 51 32 050, chapter 23, Laws of 1961 as last amended by section 1, chapter 122, Laws of 1965 ex sess and RCW 51 32 050, amending section 51 32 060, chapter 23, Laws of 1961 as last amended by section 2, chapter 122, Laws of 1965 ex sess and RCW 51 32 060, amending section 51 32 070, chapter 23, Laws of 1961 as last amended by section 1, chapter 166, Laws of 1965 ex sess and RCW 51 32 070, amending section 51 32 080, chapter 23, Laws of 1961 as last amended by section 1, chapter 165, Laws of 1965 ex sess and RCW 51 32 080 amending section 51 32 090, chapter 23, Laws of 1961 as last amended by section 3, chapter 122, Laws of 1965 ex sess and RCW 51 32 090, amending section 51 32 100, chapter 23, Laws of 1961 and RCW 51 32 100, amending section 51 32 110, chapter 23, Laws of 1961 and RCW 51 32 110, amending section 51 32 140, chapter 23, Laws of 1961 and RCW 51 32 140 amending section 51 32 180 chapter 23, Laws of 1961 and RCW 51 32 180, amending section 51 36 010, chapter 23, Laws of 1961 as amended by section 2, chapter 166, Laws of 1965 ex sess and RCW 51 36 010, amending section 51 36 020, chapter 23, Laws of 1961 as amended by section 3, chapter 166, Laws of 1965 ex sess and RCW 51 36 020 amending section 2, chapter 137, Laws of 1961 and RCW 51 36 040 amending section 51 44 030 chapter 23, Laws of 1961 and RCW 51 44 030, amending section 51 44 070 chapter 23, Laws of 1961 as amended by section 5, chapter 274 Laws of 1961 and RCW 51 44 070, amending section 51 44 080, chapter 23, Laws of 1961 and RCW 51 44 080, amending section 51 44 090, chapter 23, Laws of 1961 and RCW 51 44 090, amending section 51 44 100, chapter 23, Laws of 1961 as last amended by section 1, chapter 41, Laws of 1965 ex sess and RCW 51 44 100, amending section 51 44 110, chapter 23, Laws of 1961 and RCW 51 44 110 amending section 51 48 010, chapter 23, Laws of 1961 and RCW 51 48 110, amending section 51 48 020, chapter 23, Laws of 1961 and RCW 51 48 120, amending section 51 48 030, chapter 23, Laws of 1961 and RCW 51 48 030, amending section 51 48 040, chapter 23, Laws of 1961 and RCW 51 48 040, amending section 51 48 070, chapter 23, Laws of 1961 and RCW 51 48 070, amending section 51 48 090, chapter 23, Laws of 1961 and RCW 51 48 090, amending section 51 52 010, chapter 23, Laws of 1961 as last amended by section 3, chapter 163, Laws of 1965 ex sess and RCW 51 52 010, amending section 51 52 030, chapter 23, Laws of 1961 and RCW 51 52 030, amending section 51 52 050, chapter 23, Laws of 1961 and RCW 51 52 050, amending section 51 52 060, chapter 23, Laws of 1961 as last amended by section 1, chapter 148, Laws of 1963 and RCW 51 52 060, amending section 51 52 070, chapter 23, Laws of 1961 and RCW 51 52 070, amending section 51 52 080, chapter 23, Laws of 1961 as amended by section 2, chapter 148, Laws of 1963 and RCW 51 52 080, amending section 51 52 090, chapter 23, Laws of 1961 and RCW 51 52 090, amending section 51 52 095, chapter 23, Laws of 1961 as last amended by section 3, chapter 148, Laws of 1963 and RCW 51 52 095, amending section 51 52 100 chapter 23, Laws of 1961 as amended by section 4, chapter 148, Laws of 1963 and RCW 51 52 100, amending section 51 52 102 chapter 23, Laws of 1961 as amended by section 5, chapter 148, Laws of 1963 and RCW 51 52 102, amending section 51 52 120, chapter 23, Laws of 1961 as amended by section 1, chapter 63, Laws of 1965 ex sess and RCW 51 52 120, amending section 51 52 130, chapter 23, Laws of 1961 and RCW 51 52 130, amending section 15, chapter 234, Laws of 1959 as last amended by section 1, chapter 71, Laws of 1967 ex sess and RCW 34 04 150, amending section 28B 20 458, chapter 223, Laws of 1967 ex sess and RCW 28B 20 458, amending section 13, chapter 223, Laws of 1953 and RCW 38 52 290, amending section 17 chapter 223, Laws of 1953 and RCW 38 52 330, amending section 43 22 030, chapter 8, Laws of 1965 and RCW 43 22 030 amending section 14 chapter 207, Laws of 1953 and RCW 75 08 206, adding new sections to chapter 23, Laws of 1961 and to chapter 51 04 RCW, adding new sections to chapter 23, Laws of 1961 and to chapter 51 08 RCW, adding new sections to chapter 23, Laws of 1961 and to chapter 51 12 RCW, adding new sections to chapter 23, Laws of 1961 and to chapter 51 16 RCW adding a new chapter to chapter 23, Laws of 1961 and to Title 51 RCW adding new sections to chapter 23, Laws of 1961 and to chapter 51 28 RCW, adding new sections to chapter 23, Laws of 1961 and to chapter 51 32 RCW, adding new sections to chapter 23, Laws of 1961 and to



1961 and RCW 51.40.030; repealing section 51.40.040, chapter 23, Laws of 1961 and RCW 51.40.040, repealing section 51.40.050, chapter 23, Laws of 1961 and RCW 51.40.050, repealing section 51.40.060, chapter 23, Laws of 1961 and RCW 51.40.060, repealing section 51.40.070, chapter 23, Laws of 1961 and RCW 51.40.070, repealing section 51.44.010 chapter 23, Laws of 1961 and RCW 51.44.010, repealing section 51.44.020 chapter 23, Laws of 1961 and RCW 51.44.020; repealing section 51.44.040, chapter 23, Laws of 1961 and RCW 51.44.040; repealing section 51.44.050, chapter 23, Laws of 1961 and RCW 51.44.050, repealing section 51.44.060, chapter 23, Laws of 1961 and RCW 51.44.060, repealing section 51.48.050, chapter 23, Laws of 1961 and RCW 51.48.050, repealing section 51.52.110, chapter 23, Laws of 1961 and RCW 51.52.110, repealing section 51.52.115, chapter 23, Laws of 1961 and RCW 51.52.115; repealing section 51.52.140 chapter 23, Laws of 1961 and RCW 51.52.140, repealing section 51.52.150, chapter 23, Laws of 1961 and RCW 51.52.150; prescribing penalties; and providing an effective date.

Referred to Committee on Labor and Industrial Insurance.

SENATE BILL NO 702, by Senators Ridder, Knoblauch and Greive:

An Act relating to unemployment compensation, and amending section 77, chapter 35, Laws of 1945 as amended by section 12, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.090

Referred to Committee on Labor and Industrial Insurance

SENATE BILL NO 703, by Senator Peterson (Ted):

An Act relating to health care service contracts.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO 704, by Senators Washington, Murray, Connor and Ridder.

An Act relating to state government, creating the department of mass transportation, prescribing its powers and duties, adding new sections to Title 47 RCW, and declaring an emergency.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 704

#### MOTION

Senator Washington moved that Senate Bill No. 704 be referred to the Committee on Transportation.

Debate ensued

Senator Washington demanded a roll call and the demand was sustained by Senators Greive, Tacey, Herr, Peterson (Ted), McDougall, Metcalf, Scott, Elokser and McCutcheon

#### ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 23, nays, 20, absent or not voting, 3; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Elokser, Francis, Greive, Herr, Horman, Huntley, Jolly, McCutcheon, McDougall, Metcalf, Murray, Peterson (Ted), Ridder, Scott, Talley, Walgren, Washington, Wilson - 23.

Voting nay: Senators Cooney, Donohue, Dore, Foley, Gardner, Gissberg, Guess, Keefe, Knoblauch, Lewis, Mardesich, Matson, Newschwander, Odegard, Peterson (Lowell), Sandison, Stender, Stortini, Twigg, Woodall - 20

Absent or not voting: Senators Andersen, Fleming, Henry - 3.

Excused: Senators Day, Durkan, Whetzel - 3

## NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Walgren served notice that he would, at the proper time, move that the Senate reconsider the vote by which Senate Bill No. 704 was referred to the Committee on Transportation.

## POINT OF ORDER

Senator Mardesich: "The President has accepted the motion and the gavel has fallen."

## REPLY BY THE PRESIDENT

The President: "Senator Mardesich, the President accepted notice of reconsideration from Senator Walgren which is not interpreted by the President as being a motion."  
Debate ensued.

## RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order presented by Senator Mardesich. The President rules that notice of reconsideration was given by Senator Walgren but no motion made to that effect. If the body wishes to reconsider the vote by which Senate Bill No. 704 was referred to the Senate Committee on State Government, the President must have a motion to that effect and it must be considered immediately. If the action taken by the Senate remains in effect and the committee once obtains the measure, at a future time it will be necessary for the proper course of order to be followed would be to relieve the Senate Committee on Transportation of the measure and then refer it to the committee which the Senate may prefer at that time."

## MOTION

Senator Walgren moved that the Senate immediately reconsider the vote by which Senate Bill No. 704 was referred to the Committee on Transportation.

Senator Washington demanded a roll call on the motion by Senator Walgren and the demand was sustained by Senators Metcalf, Odegaard, Washington, Dore, Donohue, Greive, Francis, Newschwander and Sandison.

Senators Washington, Holman and Greive demanded a Call of the Senate.

A Call of the Senate was ordered.

## CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber.

The Secretary called the roll on the Call of the Senate, all members being present except Senators Day, Durkan, Fleming and Whetzel.

Senators Day, Durkan and Whetzel had previously been excused.

On motion of Senator Greive, the rules were suspended and Senator Fleming was excused.

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

The President declared the question before the Senate to be the motion by Senator Walgren to reconsider the vote by which Senate Bill No. 704 was referred to the Committee on Transportation.

## ROLL CALL

The Secretary called the roll and the motion lost by the following vote: Yeas, 22; nays, 23; excused, 4.

Voting yea. Senators Bailey, Cooney, Donohue, Gardner, Gissberg, Guess, Herr, Keefe, Knoblauch, McCutcheon, Mardesich, Matson, Newschwander, Odegaard, Peterson (Lowski), Sandison, Stender, Stortini, Twigg, Walgren, Wilson, Woodall. 22.

Voting nay. Senators Andersen, Atwood, Canfield, Clarke, Connor, Dore, Elcker, Foley, Francis, Greive, Henry, Holman, Huntley, Jolly, Lewis, McDougall, Metcalf, Murray, Peterson (Ted), Ridder, Scott, Talley, Washington. 23.

Excused: Senators Day, Durkan, Fleming, Whetzel -4.

Senate Bill No 704 was referred to the Committee on Transportation

SENATE BILL NO. 705, by Senators Day, Cooney and Peterson (Ted):

An Act relating to the tax exempt status of medical service corporations.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO. 706, by Senators Washington and Holman.

An Act relating to parks and parklands, creating a rebuttable presumption in any eminent domain proceeding that the highest and best use of such land is as parkland; providing that when such land is taken by eminent domain proceedings or under threat thereof adequate provision shall be made for new park space; and adding new sections to chapter 8.28 RCW

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

SENATE BILL NO. 707, by Senators Washington and Huntley

An Act relating to motor vehicle fuel.

Referred to Committee on Transportation.

SENATE BILL NO. 708, by Senator Talley:

An Act relating to food fish and shellfish

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO 709, by Senator Dore:

An Act relating to public health, providing for the regulation of persons practicing electrolysis; adding a new chapter to Title 18 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO. 710, by Senators Ridder, Connor and Herr:

An Act relating to certain municipal employees, amending section 1, chapter 72, Laws of 1949 and RCW 52.36.060; and declaring an emergency.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO 711, by Senators Alwood and Newschwander (by executive request).

An Act relating to state government, creating a department of finance and business regulation, amending section 1, chapter -- (HB 97), Laws of 1971 and RCW 43.17.010; amending section 2, chapter -- (HB 97), Laws of 1971 and RCW 47.17.020, amending section 43.19.010, chapter 8, Laws of 1965 and RCW 43.19.010; creating new sections; repealing section 43.19.020, chapter 8, Laws of 1965 and RCW 43.19.020, repealing section 43.19.100, chapter 8, Laws of 1965 and RCW 43.19.100; repealing section 5, chapter 156, Laws of 1965, section 34, chapter 281, Laws of 1969 ex. sess., and RCW 46.01.050, repealing section 117, chapter 32, Laws of 1967, section 35, chapter 281, Laws of 1969 ex. sess. and RCW 46.01.055, repealing section 43.33.010, chapter 8, Laws of 1965 and RCW 43.33.010 repealing section 43.33.020, chapter 8, Laws of 1965 and RCW 43.33.020; repealing section 43.33.030, chapter 8, Laws of 1965 and RCW 43.33.030, repealing section 43.33.040, chapter 8, Laws of 1965 and RCW 43.33.040; declaring an emergency, and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 712, by Senator Walgren:

An Act relating to alcoholic beverage control.

Referred to Committee on State Government.

SENATE BILL NO. 713, by Senators Mardeach and Andersen



An Act relating to mutual savings banks, authorizing acceptance of certain demand deposits; and adding a new section to chapter 32.08 RCW.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 714, by Senator Talley

An Act relating to counties.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 715, by Senators Day, Cooney and Peterson (Ted)

An Act relating to chiropractors, prohibiting discrimination by state agencies in health care services, adding a new section to chapter 5, Laws of 1919 and to chapter 18.25 RCW, and creating new sections.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO. 716, by Senators Stortini, Newschwander, Gardner and Knoblauch:

An Act relating to a state march; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 716.

SENATE BILL NO. 717, by Senator Talley

An Act relating to cities and towns.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 718, by Senators Peterson (Lowell), Talley and Stender.

An Act relating to counties, and providing payment of costs of relocating public utility facilities on county roads from state or federal funds to the extent such funds may be available.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 719, by Senator Mardesich

An Act relating to purchase of wine by class C, F and H licensees from the Washington state liquor control board, providing for a discount on said purchases, and adding a new section to chapter 62, Laws of 1933 ex. sess. and chapter 66.24 RCW.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 720, by Senators Washington and Anderson:

An Act relating to motor vehicles, authorizing special plates for vehicles of historic value, amending section 46.16.310, chapter 12, Laws of 1961 and RCW 46.16.310, and creating new sections.

Referred to Committee on Transportation.

SENATE BILL NO. 721, by Senators Murray, Fleming and Elicker (by executive request and Indian Affairs Task Force request):

An Act relating to Indian fishing rights, creating new sections, and providing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 722, by Senators Durkan and Keefe:

An Act relating to highways, adding new sections to chapter 13, Laws of 1961 and to chapter 47.52 RCW and repealing sections 2, 3, 4, and 6, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.133, 47.52.135, 47.52.137, and 47.52.195.

Referred to Committee on Transportation.

SENATE BILL NO. 723, by Senators Knoblauch and Matson.

An Act relating to municipalities and certain tax levies pertaining thereto; and

amending section 6, chapter 91, Laws of 1947, as last amended by section 2, chapter 92, Laws of 1970 ex. sess. and RCW 41.16.060

Referred to Committee on Public Pensions and Social Security

SENATE BILL NO. 724, by Senator Ridder.

An Act relating to education

Referred to Committee on Education.

SENATE BILL NO. 725, by Senators Washington and Huntley.

An Act relating to animals; providing for livestock identification and auditing at commercial feed lots; providing for a licensing and audit fees; adding a new chapter to Title 16 RCW; and providing penalties

Referred to Committee on Agriculture and Horticulture.

SENATE BILL NO. 726, by Senators Keefe and Peterson (Ted):

An Act relating to alcoholic beverages; classifying wines and providing for the sale of such wines; and creating new sections.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 727, by Senators Peterson (Ted), Keefe and Mardesich:

An Act relating to social and health services

Referred to Committee on State Government

SENATE BILL NO. 728, by Senator Talley.

An Act relating to public ports

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 729, by Senators Wilson, Gardner, Woodall and Knoblauch.

An Act relating to veterans and veterans' affairs.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 729

SENATE BILL NO. 730, by Senator Talley:

An Act relating to game and game fish

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO. 731, by Senator Talley.

An Act relating to public ports.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 732, by Senators Atwood and Mardesich:

An Act relating to court reporter's salaries; amending section 1, chapter 210, Laws of 1951 as last amended by section 1, chapter 95, Laws of 1969 and RCW 2.32.210

Referred to Judiciary Committee.

SENATE BILL NO. 733, by Senators Knoblauch, Newschwander, Stortini and McCutcheon.

An Act relating to a feasibility study of a tunnel through the Cascade mountains at Naches Pass

Referred to Committee on Transportation

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 733

SENATE BILL NO. 734, by Senator Mardesich:

An Act relating to highways; providing for the distribution of highway construction funds, to be derived from additional excise taxes on motor vehicle fuels and the sale of limited obligation bonds as authorized herein, to the state, counties, and cities, amending

section 82 36.020, chapter 15, Laws of 1961 as last amended by section 3, chapter 85, Laws of 1970 ex sess and RCW 82 36.020, amending section 82 36 100, chapter 15, Laws of 1961 as last amended by section 3, chapter 83, Laws of 1967 ex sess and RCW 82.36 100; amending section 82 40 020, chapter 15, Laws of 1961 as last amended by section 6, chapter 83, Laws of 1967 ex. sess and RCW 82 40 020, amending section 45, chapter 83, Laws of 1967 ex sess. and RCW 47 26 420, amending section 3, chapter 22, Laws of 1963 ex sess. as amended by section 4, chapter 83, Laws of 1967 ex. sess. and RCW 82 37.030; and creating a new section.

Referred to Committee on Transportation.

SENATE BILL NO. 735, by Senators Knoblauch, Twigg and McDougall:

An Act relating to junkyards adjacent to highways; and providing penalties.

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO. 736, by Senator Mardesich:

An Act relating to public health and safety, adding new sections to chapter 70 89 RCW, creating a new section, defining crimes; prescribing penalties, declaring an emergency, and prescribing an effective date.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 737, by Senators Twigg, Day, Guess, Cooney and Keefe:

An Act relating to state government, establishing a commission; authorizing construction; and authorizing the issuance of bonds

Referred to Committee on Commerce and Regulatory Agencies

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 737.

SENATE BILL NO. 738, by Senators Twigg, Day, Guess, Cooney and Keefe:

An Act relating to business corporations.

Referred to Committee on Commerce and Regulatory Agencies

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 738.

SENATE BILL NO. 739, by Senator Twigg

An Act relating to the acquisition of land and the construction and use of a state building in the city of Spokane, authorizing the state building authority to acquire the necessary land and construct such building, providing for the lease thereof by the state building authority to the department of commerce and economic development; authorizing the sublease thereof, and declaring an emergency.

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO. 740, by Senator Mardesich:

An Act relating to manufactured goods, creating a new section, and providing for penalties.

Referred to Committee on Manufacturing and Industrial Development.

SENATE BILL NO. 741, by Senators Day, Keefe, Walgren, Peterson (Ted) and Peterson (Lowell)

An Act relating to use fuel tax exemptions; encouraging development and use of low pollution fuels in motor vehicles, amending section 82 40 010, chapter 15, Laws of 1961 as last amended by section 24, chapter 281, Laws of 1969 ex sess and RCW 82 40 010 and adding a new section to chapter 15, Laws of 1961 and to chapter 82.40 RCW

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 741.

**SENATE BILL NO. 742, by Senator Lewis:**

An Act relating to development of industrial sites and lands.

Referred to Committee on Manufacturing and Industrial Development

**SENATE BILL NO. 743, by Senator Lewis:**

An Act relating to economic development.

Referred to Committee on Manufacturing and Industrial Development

**SENATE BILL NO. 744, by Senator Francis:**

An Act relating to the board of regents of the University of Washington, and amending section 28B 20 394, chapter 223, Laws of 1969 ex. sess. and RCW 28B 20 394.

Referred to Committee on Ways and Means—Revenue and Taxation.

**SENATE BILL NO. 745, by Senator Clarke, Guess and McDougall:**

An Act relating to cities and towns, providing for civil service appointments in fire and police departments; amending section 11, chapter 31, Laws of 1935 and RCW 41 08.100; and amending section 11, chapter 13, Laws of 1937 and RCW 41.12.100

Referred to Committee on Cities, Towns and Counties

**SENATE BILL NO. 746, by Senator Mardesich:**

An Act relating to insurance rates, and adding new sections to chapter 79, Laws of 1947 and to Title 48 RCW

Referred to Committee on Commerce and Regulatory Agencies.

**SENATE BILL NO. 747, by Senator Mardesich:**

An Act relating to public assistance, and creating a new section.

Referred to Committee on Public Institutions.

**SENATE BILL NO. 748, by Senator Lewis:**

An Act relating to the peaceful utilization of nuclear energy.

Referred to Committee on Manufacturing and Industrial Development

**SENATE BILL NO. 749, by Senator Talley:**

An Act relating to sanitation, sewers and sewage.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

**SENATE BILL NO. 750, by Senator Francis:**

An Act relating to motor vehicles, and amending section 4, chapter 232, Laws of 1967 as amended by section 1, chapter 42, Laws of 1969 and RCW 46 37.530

Referred to Committee on Commerce and Regulatory Agencies.

**SENATE BILL NO. 751, by Senators Keefe, Peterson (Lowell) and Cooney:**

An Act relating to specified areas designated for migratory fish under the supervision of the department of ecology.

Referred to Committee on Natural Resources, Fisheries and Game.

**SENATE BILL NO. 752, by Senators Peterson (Lowell), Atwood and Mardesich:**

An Act relating to fish and shellfish; and amending section 75 12 010, chapter 12, Laws of 1955 and RCW 75.12 010

Referred to Committee on Natural Resources, Fisheries and Game.

**SENATE BILL NO. 753, by Senator Donohue (by Department of Revenue request):**

An Act relating to revenue and taxation, amending section 2, chapter 129, Laws of 1893 as last amended by section 34, chapter 271, Laws of 1969 ex. sess. and RCW 58.08 040; amending section 43, chapter 26, Laws of 1967 ex. sess. and RCW 82 03 140; amending section 82 44 040, chapter 15, Laws of 1961 and RCW 82 44 040, amending section 82 44 050, chapter 15, Laws of 1961 as amended by section 3, chapter 199, Laws of

1963 and RCW 82 44 050; amending section 82 50 040, chapter 15, Laws of 1961 as amended by section 47, chapter 149, Laws of 1967 ex sess. and RCW 82 50 040, amending section 82 50 050, chapter 15, Laws of 1961 as amended by section 48, chapter 149, Laws of 1967 ex sess. and RCW 82 50 050, amending section 82 50 180 chapter 15, Laws of 1961 as amended by section 56, chapter 149, Laws of 1967 ex sess. and RCW 82 50 180, amending section 28, chapter 149 Laws of 1967 ex sess. and RCW 82 50 185, amending section 84 08 050, chapter 15, Laws of 1961 and RCW 84 08 050, amending section 84 08 130, chapter 15, Laws of 1961 and RCW 84 08 130; amending section 84 09 030, chapter 15, Laws of 1961 and RCW 84 09 030, amending section 84 12 200, chapter 15, Laws of 1961 and RCW 84 12 200, amending section 84 12 230, chapter 15, Laws of 1961 and RCW 84 12 230; amending section 84 12 270, chapter 15, Laws of 1961 and RCW 84 12 270; amending section 84 12 280, chapter 15, Laws of 1961 and RCW 84 12 280, amending section 84 12 330, chapter 15, Laws of 1961 and RCW 84 12 330; amending section 84 12 360, chapter 15, Laws of 1961 and RCW 84 12 360, amending section 18, chapter 214, Laws of 1963 and RCW 84 28 065, amending section 6, chapter 24, Laws of 1961 ex sess. as amended by section 40, chapter 149, Laws of 1967 ex sess. and RCW 84 40 340; and prescribing an effective date.

Referred to Committee on Ways and Means - Revenue and Taxation

SENATE BILL NO. 754, by Senators Keefe, Day, Talley and Stender:

An Act relating to revenue and taxation, amending section 82.04.430, chapter 15, Laws of 1961 as last amended and reenacted by section 1 chapter -- (HB --), Laws of 1971 and RCW 82.04 430; and prescribing an effective date.

Referred to Committee on Ways and Means—Revenue and Taxation

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 754

SENATE BILL NO. 755, by Senators Woodall, Sandison, Ridder and Scott (by Attorney General request).

An Act relating to franchises, creating new sections, defining crimes, providing an effective date; and prescribing penalties.

Referred to Judiciary Committee

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 755.

SENATE BILL NO. 756, by Senator Talley:

An Act relating to public employment, authorizing membership in the state-wide city employees' retirement system of employees of any state association of cities and towns; amending section 5, chapter 71, Laws of 1947 and RCW 41 44 050, amending section 11, chapter 71, Laws of 1947 as last amended by section 2, chapter 99, Laws of 1965 ex sess. and RCW 41.44 110, and amending section 12, chapter 71, Laws of 1947 as last amended by section 2, chapter 70, Laws of 1959, and RCW 41.44 120

Referred to Committee on Public Pensions and Social Security.

SENATE BILL NO. 757, by Senators Lewis, Eucker, Huntley and Henry (by Administrative Board request)

An Act relating to claims against employees of the state; and amending section 1, chapter 136, Laws of 1961 as amended by section 2, chapter 159, Laws of 1963 and RCW 4.92 090

Referred to Judiciary Committee

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 757.

SENATE BILL NO. 758, by Senator Metcalf.

An Act relating to pupil conduct, discipline, and rights in the common schools; amending section 28A 58 101, chapter 223, Laws of 1969 ex sess. and RCW 28A 58 101; amending section 28A 87 140, chapter 223, Laws of 1969 ex sess. as amended by section 61, chapter 199, Laws of 1969 ex sess. and RCW 28A 87 140, repealing sections

28A.58 190, 28A 58 200, 28A 67 100 and 28A 87 120, chapter 223, Laws of 1969 ex. sess. and RCW 28A 58 190, 28A 58 200, 28A 67.100 and 28A 87 120, adding new sections to Title 28A RCW as a new chapter thereof, and providing penalties.

Referred to Committee on Education.

SENATE BILL NO. 759, by Senator Peterson (Lowell)

An Act relating to judicial districts, amending section 5, chapter 125, Laws of 1951 as last amended by section 3 chapter 48, Laws of 1963 and RCW 2 08 063, and amending section 7, chapter 125, Laws of 1951 as last amended by section 3, chapter 213, Laws of 1969 ex. sess. and RCW 2.08 065.

Referred to Judiciary Committee

SENATE BILL NO. 760, by Senators Fleming and Francis

An Act relating to cities, towns and local improvements; amending section 35 50 030, chapter 7 Laws of 1965 and RCW 35.50 030, and amending section 35 50 050, chapter 7, Laws of 1965

Referred to Committee on Cities, Towns and Counties

SENATE BILL NO. 761, by Senator Talley

An Act relating to sanitation, sewers and sewage.

Referred to Committee on Cities, Towns and Counties

SENATE BILL NO. 762, by Senators Ridder and Connor.

An Act relating to adverse possession; protecting publicly owned lands and amending section 5, chapter 11, Laws of 1893 and RCW 7.28 090.

Referred to Judiciary Committee.

SENATE BILL NO. 763, by Senators Keefe, Woodall, Cooney and Peterson (Lowell)

An Act relating to food fish and shellfish, adding a new section to title 75 RCW, and creating a new section

Referred to Committee on Natural Resources, Fisheries and Game

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 763

SENATE BILL NO. 764, by Senators Andersen and Clarke.

An Act relating to health and safety, prohibiting the sale, offering or exposing for sale of fireworks, defining fireworks, regulating the manner of using fireworks; creating a new chapter in Title 70 RCW, creating new sections, repealing section 1, chapter 228, Laws of 1961 and RCW 70 77 120, repealing section 2, chapter 228, Laws of 1961 and RCW 70 77 125; repealing section 3, chapter 228, Laws of 1961 and RCW 70 77 130, repealing section 4, chapter 228, Laws of 1961 and RCW 70 77 135, repealing section 5, chapter 228, Laws of 1961 and RCW 70 77 140, repealing section 6, chapter 228, Laws of 1961 and RCW 70 77 145, repealing section 7 chapter 228, Laws of 1961 and RCW 70 77 150, repealing section 8, chapter 228, Laws of 1961 and RCW 70 77 155, repealing section 9, chapter 228, Laws of 1961 and RCW 70 77 160, repealing section 10, chapter 228, Laws of 1961 and RCW 70 77 165, repealing section 11, chapter 228, Laws of 1961 and RCW 70 77 170, repealing section 12, chapter 228, Laws of 1961 and RCW 70.77 175, repealing section 13, chapter 228, Laws of 1961 and RCW 70 77 180, repealing section 14, chapter 228, Laws of 1961 and RCW 70 77 185; repealing section 15, chapter 228, Laws of 1961 and RCW 70 77 190, repealing section 16, chapter 228, Laws of 1961 and RCW 70.77.195; repealing section 17, chapter 228, Laws of 1961 and RCW 70 77 200, repealing section 18, chapter 228, Laws of 1961 and RCW 70 77 205 repealing section 19, chapter 228, Laws of 1961 and RCW 70 77 210, repealing section 20, chapter 228, Laws of 1961 and RCW 70 77 215, repealing section 21, chapter 228, Laws of 1961 and RCW 70 77 220, repealing section 22, chapter 228, Laws of 1961 and RCW 70 77 225, repealing section 23, chapter 228, Laws of 1961 and RCW 70 77 230; repealing section 24 chapter 228, Laws of 1961 and RCW 70 77 235, repealing section 25, chapter 228, Laws of 1961 and RCW 70.77 240,

repealing section 26, chapter 228, Laws of 1961 and RCW 70 77 245, repealing section 27, chapter 228, Laws of 1961 and RCW 70 77 250, repealing section 28, chapter 228, Laws of 1961 and RCW 70 77 255, repealing section 29, chapter 228, Laws of 1961 and RCW 70 77 260, repealing section 30, chapter 228, Laws of 1961 and RCW 70 77 265, repealing section 31, chapter 228, Laws of 1961 and RCW 70 77 270, repealing section 32, chapter 228, Laws of 1961 and RCW 70 77 275, repealing section 33, chapter 228, Laws of 1961 and RCW 70 77 280, repealing section 34, chapter 228, Laws of 1961 and RCW 70 77 285, repealing section 35, chapter 228, Laws of 1961 and RCW 70 77 290, repealing section 36, chapter 228, Laws of 1961 and RCW 70 77 295, repealing section 37, chapter 228, Laws of 1961 and RCW 70 77 300, repealing section 38, chapter 228, Laws of 1961 and RCW 70 77 305, repealing section 39, chapter 228, Laws of 1961 and RCW 70 77 310, repealing section 40, chapter 228, Laws of 1961 and RCW 70 77 315, repealing section 41, chapter 228, Laws of 1961 and RCW 70 77 320, repealing section 42, chapter 228, Laws of 1961 and RCW 70 77 325, repealing section 43, chapter 228, Laws of 1961 and RCW 70 77 330, repealing section 44, chapter 228, Laws of 1961 and RCW 70 77 335, repealing section 45, chapter 228, Laws of 1961 and RCW 70 77 340, repealing section 46, chapter 228, Laws of 1961 and RCW 70 77 345, repealing section 47, chapter 228, Laws of 1961 and RCW 70 77 350, repealing section 48, chapter 228, Laws of 1961 and RCW 70 77 355, repealing section 49, chapter 228, Laws of 1961 and RCW 70 77 360, repealing section 50, chapter 228, Laws of 1961 and RCW 70 77 365, repealing section 51, chapter 228, Laws of 1961 and RCW 70 77 370, repealing section 52, chapter 228, Laws of 1961 and RCW 70 77 375, repealing section 53, chapter 228, Laws of 1961 and RCW 70 77 380, repealing section 54, chapter 228, Laws of 1961 and RCW 70 77 385, repealing section 55, chapter 228, Laws of 1961 and RCW 70 77 390, repealing section 56, chapter 228, Laws of 1961 and RCW 70 77 395, repealing section 57, chapter 228, Laws of 1961 and RCW 70 77 400, repealing section 58, chapter 228, Laws of 1961 and RCW 70 77 405, repealing section 59, chapter 228, Laws of 1961 and RCW 70 77 410, repealing section 60, chapter 228, Laws of 1961 and RCW 70 77 415, repealing section 61, chapter 228, Laws of 1961 and RCW 70 77 420, repealing section 62, chapter 228, Laws of 1961 and RCW 70 77 425, repealing section 63, chapter 228, Laws of 1961 and RCW 70 77 430, repealing section 64, chapter 228, Laws of 1961 and RCW 70 77 435, repealing section 65, chapter 228, Laws of 1961 and RCW 70 77 440, repealing section 66, chapter 228, Laws of 1961 and RCW 70 77 445, repealing section 67, chapter 228, Laws of 1961 and RCW 70 77 450, repealing section 68, chapter 228, Laws of 1961 and RCW 70 77 455, repealing section 69, chapter 228, Laws of 1961 and RCW 70 77 460, repealing section 70, chapter 228, Laws of 1961 and RCW 70 77 465, repealing section 71, chapter 228, Laws of 1961 and RCW 70 77 470, repealing section 72, chapter 228, Laws of 1961 and RCW 70 77 475, repealing section 73, chapter 228, Laws of 1961 and RCW 70 77 480, repealing section 74, chapter 228, Laws of 1961 and RCW 70 77 485, repealing section 75, chapter 228, Laws of 1961 and RCW 70 77 490, repealing section 76, chapter 228, Laws of 1961 and RCW 70 77 495, repealing section 77, chapter 228, Laws of 1961 and RCW 70 77 500, repealing section 78, chapter 228, Laws of 1961 and RCW 70 77 505, repealing section 79, chapter 228, Laws of 1961 and RCW 70 77 510, repealing section 80, chapter 228, Laws of 1961 and RCW 70 77 515, repealing section 81, chapter 228, Laws of 1961 and RCW 70 77 520, repealing section 82, chapter 228, Laws of 1961 and RCW 70 77 525, repealing section 83, chapter 228, Laws of 1961 and RCW 70 77 530, repealing section 84, chapter 228, Laws of 1961 and RCW 70 77 535, repealing section 85, chapter 228, Laws of 1961 and RCW 70 77 540, repealing section 86, chapter 228, Laws of 1961 and RCW 70 77 545, repealing section 87, chapter 228, Laws of 1961 and RCW 70 77 550, repealing section 88, chapter 228, Laws of 1961 and RCW 70 77 555, repealing section 89, chapter 228, Laws of 1961 and RCW 70 77 560, repealing section 90, chapter 228, Laws of 1961 and RCW 70 77 900, repealing section 91, chapter 228, Laws of 1961 and RCW 70 77 910, providing penalties; and declaring an emergency

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO. 765, by Senator Metcalf

An Act relating to criminal charges, prohibiting plea bargaining, and adding new sections to chapter 10.01 RCW

Referred to Judiciary Committee

**SENATE BILL NO. 766, by Senator Mardesich**

An Act relating to installment loans, providing for the supervision, regulation, and licensing of installment loan companies, and prescribing penalties

Referred to Committee on Commerce and Regulatory Agencies

**SENATE BILL NO. 767, by Senator Murray (by Department of Social and Health Services request).**

An Act relating to license fees for hospitals, nursing homes, boarding homes, and private establishments, amending section 5, chapter 253, Laws of 1957 and RCW 18.20.050, amending section 6, chapter 117, Laws of 1951 as amended by section 4, chapter 160, Laws of 1953 and RCW 18.51.050, amending section 10 chapter 267, Laws of 1955 and RCW 70.41.100, and amending section 71.12.470 chapter 25, Laws of 1959 and RCW 71.12.470

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

**SENATE BILL NO. 768, by Senators Elicker and Francis**

An Act relating to prophylactic vendors, and repealing sections 1 through 11 chapter 192, Laws of 1939 and RCW 18.81.010 through 18.81.900

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

**SENATE BILL NO. 769, by Senators Greive, Sandison and Lewis (by State Arts Commission request):**

An Act relating to public recreation, sports and culture, levying taxes; amending section 1, chapter 236, Laws of 1967 and RCW 67.28.080, and amending section 11, chapter 236, Laws of 1967 as amended by section 1, chapter 89, Laws of 1970 ex. sess. and RCW 67.28.180

Referred to Committee on Cities, Towns and Counties

**SENATE BILL NO. 770, by Senators Washington, Gardner and Ridder:**

An Act relating to eminent domain, establishing a uniform relocation assistance and real property acquisition policy, repealing section 4, chapter 125, Laws of 1965 ex. sess. section 2, chapter 137, Laws of 1967 ex. sess. section 5, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.040, repealing section 5 chapter 125, Laws of 1965 ex. sess. section 6, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.050; repealing section 6, chapter 125, Laws of 1965 ex. sess. section 7, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.060, repealing section 1, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.080, repealing section 2, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.090; repealing section 3, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.100, repealing section 4, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.110, repealing section 9, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.130; repealing section 10, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.140, repealing section 11, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.150, repealing section 12, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.160, repealing section 13, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.170, repealing section 14, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.180, repealing section 15 chapter 236, Laws of 1969 ex. sess. and RCW 8.25.190, repealing section 4 chapter 137, Laws of 1967 ex. sess. section 16 chapter 236 Laws of 1969 ex. sess. and RCW 8.25.900, repealing section 17, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.910, repealing section 18, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.920, repealing section 19 chapter 236, Laws of 1969 ex. sess. and RCW 8.25.930, and providing an effective date

Referred to Committee on State Government

**SENATE BILL NO. 771, by Senators Andersen and Mardesich (by Department of Commerce and Economic Development request)**

An Act relating to port districts, and amending section 5, chapter 65, Laws of 1955 as amended by section 1, chapter 131, Laws of 1967, and RCW 53.08.040.



Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO 772, by Senator Mardesich:

An Act relating to real property taxes.

Referred to Committee on Ways and Means—Revenue and Taxation

SENATE BILL NO 773, by Senators Ridder and Connor:

An Act relating to cities and towns, limiting liability, and amending section 1, chapter 77, Laws of 1970 ex. sess. and RCW 35.21.660

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 774, by Senators Elicker and Sandison (by executive and Indian Affairs Task Force request):

An Act relating to state jurisdiction over Indians and Indian territories, country or lands, disclaiming state and local zoning on Indian reservations, and adding a new section to chapter 240, Laws of 1957 and to chapter 37.12 RCW

Referred to Judiciary Committee.

SENATE BILL NO. 775, by Senators Francis, Connor and Fleming:

An Act relating to credit reporting; defining rights and remedies available to individuals with respect to credit reports, creating new sections, and providing penalties.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 776, by Senators Peterson (Ted), Woodall and Dore:

An Act relating to local government; authorizing the assumption by the legislative body of a class AA county governed under a home rule charter of the powers and duties of a port commission or of a metropolitan council or of both; and creating new sections.

Referred to Committee on Cities, Towns and Counties

SENATE BILL NO 777, by Senators Peterson (Lowell), Talley and Lewis (by Department of Commerce and Economic Development request)

An Act relating to securities and investments; and amending section 31 chapter 282, Laws of 1959 and RCW 21.20.310

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO. 778, by Senators Peterson (Ted) and Knoblauch

An Act relating to veterans' affairs and providing for retirement benefits for employees of organizations which have provided state authorized services to veterans.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

SENATE BILL NO. 779, by Senator Donohue:

An Act relating to revenue and taxation and adding new sections to chapter 15, Laws of 1961 and to chapter 84.36 RCW

Referred to Committee on Ways and Means—Revenue and Taxation

SENATE BILL NO. 780, by Senator Dore:

An Act relating to savings and loan associations.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO 781, by Senator Bailey:

An Act relating to counties, providing one road district for all areas other than cities and towns; amending section 36.75.060, chapter 4, Laws of 1963 as amended by section 3, chapter 182, Laws of 1969 ex. sess. and RCW 36.75.060, declaring an emergency and providing an effective date.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 782, by Senator Francis (by Governor's Commission for Youth Involvement request)

An Act relating to rights of students in the common schools, and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Education

SENATE BILL NO. 783, by Senators Ellicker and Murray (by Department of Ecology request)

An Act relating to state government pertaining to certain powers, duties and functions of the pollution control hearings board and renaming the same; pertaining to certain powers, duties and functions of the ecological commission, amending section 31, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.010; amending section 3, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.030, amending section 34, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.040, amending section 41, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.110, amending section 42, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.120, amending section 43, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.130, amending section 46, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.160, amending section 47, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.170, amending section 48, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.180; amending section 18, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.180, amending section 19, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.190, adding new sections to chapter 62, Laws of 1970 ex. sess. and to chapter 43.21B, repealing section 44, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.140, repealing section 45, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.150, repealing section 49, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.190, repealing section 50, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.200, repealing section 53, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.230; and repealing section 54, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.240

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO. 784, by Senators Keefe, Woodall, Cooney and Peterson (Lowell)

An Act relating to budgeting for the department of fisheries

Referred to Committee on Natural Resources, Fisheries and Game

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 784

SENATE BILL NO. 785, by Senators Keefe, Peterson (Lowell) and Cooney.

An Act relating to food fish and shellfish

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 786, by Senators Washington and Francis

An Act relating to revenue and taxation; and amending section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 153, Laws of 1967 and RCW 82.36.010

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 787, by Senator Guess

An Act relating to the establishment and relocation of utility facilities on the right of way of the public highways

Referred to Committee on Transportation

SENATE BILL NO. 788, by Senators Francis, Metcalf, Murray, Ellicker, Ridder and Fleming (by Urban Affairs Council request)

An Act relating to education; and amending section 28A.01.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.01.010

Referred to Committee on Education.

There being on objection, the rules were suspended and additional sponsors were added to Senate Bill No. 788.

SENATE BILL NO. 789, by Senator Wilson (by Parks and Recreation Commission request)

An Act relating to the parks and recreation commission; and amending section 43.51 040, chapter 8, Laws of 1965 as amended by section 1, chapter 90, Laws of 1967 ex sess.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

SENATE BILL NO. 790, by Senator Guess:

An Act relating to probate law and procedure, amending section 11 52 010, chapter 145, Laws of 1965 as amended by section 12, chapter 168, Laws of 1967 and RCW 11 52 010, amending section 11 52 012, chapter 145, Laws of 1965 and RCW 11 52 012; amending section 11 52 020, chapter 145, Laws of 1965 as amended by section 13, chapter 168, Laws of 1967 and RCW 11 52 020, and amending section 11 52 022, chapter 145, Laws of 1965 and RCW 11 52 022

Referred to Judiciary Committee

SENATE BILL NO. 791, by Senator Holman.

An Act relating to the composition of the supreme court.

Referred to Judiciary Committee.

SENATE BILL NO. 792, by Senators Gussberg, Scott, Ridder and Peterson (Ted) (by Attorney General request):

An Act relating to consumer protection, and amending section 9, chapter 216, Laws of 1961 as amended by section 2, chapter 26, Laws of 1970 ex sess. and RCW 19 86 090.

Referred to Judiciary Committee

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 792.

SENATE BILL NO. 793, by Senators Keefe, Peterson (Lowell) and Cooney:

An Act relating to setting dates for commercial fishing by the department of fisheries

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO. 794, by Senators Greive and Guess

An Act relating to public utilities; creating new sections, and prescribing penalties.

Referred to Judiciary Committee

SENATE BILL NO. 795, by Senators Keefe, Peterson (Lowell) and Cooney.

An Act relating to the department of fisheries, and replacing the director of the department of fisheries with a commission.

Referred to Committee on Natural Resources, Fisheries and Game

SENATE BILL NO. 796, by Senators Ridder, Woodall, Connor and Scott (by Attorney General request):

An Act relating to the regulation of collection agencies; creating new sections, repealing section 1, chapter 90, Laws of 1929 and RCW 19 16 010; repealing section 2, chapter 90, Laws of 1929 and RCW 19 16 020, repealing section 3, chapter 90, Laws of 1929 and RCW 19 16 030, repealing section 4, chapter 90, Laws of 1929 and RCW 19 16 040, repealing section 5, chapter 90, Laws of 1929 and RCW 19 16 050, providing an effective date; and prescribing penalties

Referred to Judiciary Committee.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 796

SENATE BILL NO. 797, by Senator Guess:

An Act relating to state government

Referred to Committee on State Government.

SENATE BILL NO. 798, by Senator Mardesich.

An Act relating to cigarette sales; defining costs to wholesalers, providing for compensation to wholesalers and retailers of cigarettes in fixing tax stamps, amending section 1, chapter 286, Laws of 1957 as amended by section 20, chapter 26, Laws of 1967 ex sess and RCW 19 91.010; and amending section 82 24.070, chapter 13, Laws of 1961 as last amended by section 24, chapter 173, Laws of 1965 ex sess and RCW 82.24.070

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO 799, by Senator Keefe

An Act relating to counties.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO 800, by Senator Mardesich.

An Act relating to alcoholic beverage control.

Referred to Committee on Commerce and Regulatory Agencies

SENATE BILL NO 801, by Senators Ridder and Peterson (Ted).

An Act relating to air pollution, exempting fires set in the course of suppressing existing forest fires from permit requirement, and amending section 25, chapter 232, Laws of 1957 as amended by section 42, chapter 238, Laws of 1967, and RCW 70.94.250

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO 802, by Senator Keefe:

An Act relating to law enforcement officers' and fire fighters' retirement, providing for immediate payment upon permanent disability, and amending section 12, chapter 209, Laws of 1969 ex sess, as amended by section 7, chapter 6, Laws of 1970 ex sess and RCW 41 26 120

Referred to Committee on Public Pensions and Social Security

SENATE BILL NO 803, by Senator Mardesich.

An Act relating to the tax exempt status of port districts; requiring port districts to pay taxes to this state and its other political subdivisions in specified instances, and providing an effective date

Referred to Committee on Ways and Means--Revenue and Taxation

SENATE BILL NO 804, by Senator Francis

An Act relating to protection of health and safety, creating new sections, repealing chapter 24, Laws of 1969, section 28, chapter 15, Laws of 1970 ex sess and RCW 28B 40 190; and declaring an emergency

Referred to Committee on Higher Education and Libraries.

SENATE BILL NO 805, by Senators Francis, Greve and Scott.

An Act relating to community college districts and the expenditures thereof; and creating new sections.

Referred to Committee on Higher Education and Libraries

SENATE BILL NO 806, by Senator Francis

An Act relating to revenue and taxation; amending section 4, chapter 94, Laws of 1970 ex sess and RCW 82 14 030, amending section 12, chapter 94, Laws of 1970 ex sess and RCW 82 14 910, and declaring an emergency.

Referred to Committee on Ways and Means--Revenue and Taxation.

SENATE BILL NO 807, by Senator Durkan (by Governor's Commission on Youth Involvement request)

An Act relating to voluntary submission for treatment for alcohol abuse and drug use; providing for confidentiality and creating new sections.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

**SENATE BILL NO. 808, by Senators Francis and Elicker:**

An Act relating to outdoor recreation areas and facilities, and directing the state finance committee to issue general obligation bonds for the purchase of certain properties. Referred to Committee on Natural Resources, Fisheries and Game.

**SENATE BILL NO. 809, by Senators Woodall and Twigg**

An Act relating to the judiciary, and amending section 2, chapter 96, Laws of 1970 ex sess and RCW 2.12.100.

Referred to Judiciary Committee.

**SENATE BILL NO. 810, by Senators Matson and Canfield,**

An Act relating to natural resources, providing for the establishment of natural resource districts; and creating new sections.

Referred to Committee on Natural Resources, Fisheries and Game.

**SENATE BILL NO. 811, by Senator Francis**

An Act relating to contractors, amending section 1, chapter 77, Laws of 1963 as amended by section 5, chapter 126, Laws of 1967 and RCW 18.27.010, and amending section 4, chapter 77, Laws of 1963 as amended by section 1, chapter 126, Laws of 1967, and RCW 18.27.040.

Referred to Committee on Labor and Industrial Insurance.

**SENATE BILL NO. 812, by Senator Francis**

An Act relating to juvenile courts, and amending section 2, chapter 132, Laws of 1945 and RCW 13.04.130.

Referred to Judiciary Committee.

**SENATE BILL NO. 813, by Senator Greive:**

An Act relating to the compensation of port district commissioners, and repealing section 4, chapter 348, Laws of 1955 as amended by section 1, chapter 72, Laws of 1957 and RCW 53.12.250.

Referred to Committee on Cities, Towns and Counties.

**SENATE BILL NO. 814, by Senators Peterson (Lowell), Talley and Stender.**

An Act relating to public highways, and providing payment of costs of relocating public utility facilities from federal funds to extent such funds may be available.

Referred to Committee on Transportation.

**SENATE BILL NO. 815, by Senators Ridder, Peterson (Ted) and Stortin**

An Act relating to education; and amending section 28B.15.500, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.500.

Referred to Committee on Higher Education and Libraries.

**SENATE BILL NO. 816, by Senator Francis.**

An Act relating to managed marine mammals, adding a new section to chapter 77.08 RCW; adding a new section to chapter 77.12 RCW, and adding a new section to 77.32 RCW.

Referred to Committee on Natural Resources, Fisheries and Game.

**SENATE BILL NO. 817, by Senators Ridder and Peterson (Ted).**

An Act relating to game farmers; amending section 77.28.010, chapter 36, Laws of 1955 and RCW 77.28.010, amending section 77.28.020, chapter 36, Laws of 1955 as amended by section 14, chapter 29, Laws of 1970 ex sess. and RCW 77.28.020, amending section 77.28.030, chapter 36, Laws of 1955 and RCW 77.28.030, amending section 77.28.050, chapter 36, Laws of 1955 and RCW 77.28.050, amending section 77.28.060, chapter 36, Laws of 1955 and RCW 77.28.060, amending section 77.28.100, chapter 36, Laws of 1955 and RCW 77.28.100, and adding new sections to chapter 77.28 RCW.

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 818, by Senators Scott and Francis.

An Act relating to child abuse, and amending section 3, chapter 13, Laws of 1965 as amended by section 3, chapter 35, Laws of 1969 ex. sess. and RCW 26 44 030.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

SENATE BILL NO. 819, by Senators Woodall, Matson and Durkan.

An Act relating to property taxes, amending section 84 36 160, chapter 15, Laws of 1961 and RCW 84.36 160; and prescribing an effective date.

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 820, by Senators Knoblauch, Ridder and Atwood.

An Act relating to law enforcement officers' and fire fighters' retirement system, and amending section 15, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 6, Laws of 1970 ex. sess. and RCW 41 26 150

Referred to Committee on Public Pensions and Social Security.

SENATE BILL NO. 821, by Senators Stender, Peterson (Lowell) and Elcker.

An Act relating to incorporation of cities.

Referred to Committee on Cities, Towns and Counties

SENATE BILL NO. 822, by Senator Sandison:

An Act relating to municipal utilities; permitting such utilities to provide services and facilities to cities and towns at no cost or at reduced rates, and amending section 43 09 210, chapter 8, Laws of 1965 and RCW 43 09 210

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 823, by Senator Francis

An Act relating to public transportation, and amending section 35.84 060, chapter 7, Laws of 1965 as amended by section 26, chapter 281, Laws of 1969 ex. sess. and RCW 35.84 060

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 824, by Senators Ridder, Francis and Scott.

An Act relating to cities and towns, providing for off-street parking facilities, amending section 7, chapter 204, Laws of 1969 ex. sess. and RCW 35 86A 070, adding a new section to chapter 204, Laws of 1969 ex. sess. and to chapter 35 86A RCW, adding a new section to chapter 7, Laws of 1965 and to chapter 35.86 RCW, repealing section 35 86 040, chapter 7, Laws of 1965, section 13, chapter 204, Laws of 1969 ex. sess. and RCW 35 86 040, repealing section 11, chapter 204, Laws of 1969 ex. sess. and RCW 35 86A 110, and repealing section 12, chapter 204, Laws of 1969 ex. sess. and RCW 35 86A 120

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 825, by Senator Fleming

An Act relating to public assistance, and amending section 74 08 040, chapter 26, Laws of 1959 and RCW 74.08 040

Referred to Committee on Public Institutions

SENATE BILL NO. 826, by Senator Fleming.

An Act relating to public contracts, and providing for an increase in the contractual amount a public body can withhold in lieu of a performance bond.

Referred to Committee on State Government

SENATE BILL NO. 827, by Senator Fleming.

An Act relating to domestic relations, and providing for uniform marriage and divorce laws.

Referred to Judiciary Committee

**SENATE BILL NO. 828, by Senator Whetzel:**

An Act relating to foreclosures or deeds of trust adding a new section to chapter 4 28 RCW, and adding a new section to chapter 65.12 RCW  
Referred to Judiciary Committee.

**SENATE BILL NO. 829, by Senator Fleming.**

An Act relating to education; and amending section 28B 15.500, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.500  
Referred to Committee on Higher Education and Libraries.

**SENATE BILL NO. 830, by Senators Gissberg, Walgren and Mardesich**

An Act relating to state government, establishing a state land use commission; adding new sections to 43.63A RCW, prescribing penalties, and declaring an emergency  
Referred to Committee on State Government

**SENATE BILL NO. 831, by Senator Whetzel:**

An Act relating to public lands; and creating new sections.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs

**SENATE BILL NO. 832, by Senators Greve and Guess:**

An Act relating to the suspension of licenses issued by the state liquor control board for places that have been deprived of communication facilities by operation of the laws prohibiting bookmaking or other gambling, or by operation of any rule of the utilities and transportation commission during the time the communication facilities are denied such places; and creating new sections.

Referred to Judiciary Committee

**SENATE BILL NO. 833, by Senator Henry:**

An Act relating to counties amending section 36 77 040, chapter 4, Laws of 1963 and RCW 36.77 040, amending section 36 22 050, chapter 4, Laws of 1963 as amended by section 1, chapter 87, Laws of 1969 ex. sess. and RCW 36 22 050; amending section 36 86 040, chapter 4, Laws of 1963 and RCW 36 86 040, creating a new section, and providing penalties.

Referred to Committee on Cities, Towns and Counties.

**SENATE BILL NO. 834, by Senator Gardner:**

An Act relating to revenue and taxation, and amending section 1, chapter 132, Laws of 1967 ex. sess. as amended by section 62, chapter 262, Laws of 1969 ex. sess. and RCW 84 36.128

Referred to Committee on Ways and Means—Revenue and Taxation.

**SENATE BILL NO. 835, by Senator Henry:**

An Act relating to state civil service, and amending section 7, chapter 1, Laws of 1961 as last amended by section 23 chapter 36, Laws of 1969 ex. sess. and RCW 41 06 070

Referred to Committee on State Government

**SENATE BILL NO. 836, by Senators Stender and Stortini**

An Act relating to pressure systems, amending section 8, chapter 32, Laws of 1951 and RCW 70 79 080; amending section 9, chapter 32, Laws of 1951 and RCW 70 79 090, and providing an effective date.

Referred to Committee on Labor and Industrial Insurance.

**SENATE BILL NO. 837, by Senator Mardesich:**

An Act relating to commerce and solid waste collection.

Referred to Committee on Commerce and Regulatory Agencies.

**SENATE BILL NO. 838, by Senator Fleming**

An Act relating to public assistance, and amending section 74 08.040, chapter 26, Laws of 1959 and RCW 74.08.040.

Referred to Committee on Public Institutions.

SENATE BILL NO. 839, by Senator Fleming

An Act relating to public assistance, providing for the representation of recipients of public assistance on certain committees, amending section 2, chapter 90, Laws of 1965 ex. sess. and RCW 74 32.010, amending section 5, chapter 90, Laws of 1965 ex. sess. as amended by section 22, chapter 172, Laws of 1967 and RCW 74 32.040, amending section 18, chapter 172, Laws of 1967 as last amended by section 21, chapter 18, Laws of 1970 ex. sess. and RCW 74.32.051, and amending section 10, chapter 90, Laws of 1965 and RCW 74.32.090

Referred to Committee on Public Institutions.

SENATE BILL NO. 840, by Senators Whetzel and Holman:

An Act relating to education, providing loans to students enrolled or to be enrolled in institutions of higher education and the procedure therefor, creating certain funds and providing for the receipt and disbursement of funds therefor, authorizing certain bonds and the payment of principal and interest thereof, providing for the submission of part of this act to a vote of the people; and creating new sections.

Referred to Committee on Higher Education and Libraries.

SENATE BILL NO. 841, by Senator Fleming:

An Act relating to public assistance, and amending section 74 08.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 259, Laws of 1969 ex. sess. and RCW 74 08.120

Referred to Committee on Public Institutions.

SENATE BILL NO. 842, by Senator Walgren:

An Act relating to cities and towns exempting professional personal services from bid requirements, amending section 35 23 352, chapter 7, Laws of 1965 as amended by section 1, chapter 114, Laws of 1965 and RCW 35.23 352, and amending section 35A 40.200, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.200

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 843, by Senator Peterson (Ted):

An Act relating to state government, establishing a board of park and recreation personnel examiners, prescribing its powers, and adding new sections to chapter 43 51 RCW

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

SENATE BILL NO. 844, by Senator Greve:

An Act relating to insurance.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 845, by Senator Mardesich

An Act relating to trade stimulants

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 846, by Senator Fleming

An Act relating to the practice of law, authorizing group legal services, authorizing prepaid legal services, amending section 15, chapter 126, Laws of 1921 and RCW 2 48 230; and adding a new section to chapter 126, Laws of 1921 and to chapter 2 48 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 847, by Senator Lewis:

An Act relating to the state employees suggestion awards program.

Referred to Committee on State Government



**SENATE BILL NO. 848**, by Senators Andersen, Greive and Twigg  
An Act relating to the salaries of supreme court justices, court of appeals judges, and superior court judges; and creating new sections  
Referred to Judiciary Committee.

**SENATE JOINT MEMORIAL NO. 12**, by Senators Fleming, Gardner, Stortini and Ridder  
Regarding medical and health care.  
Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

There being no objection, the rules were suspended and additional sponsors were added to Senate Joint Memorial No. 12

**SENATE JOINT MEMORIAL NO. 13**, by Senator Whetzel.  
Petitioning congress to enact legislation to amend the enabling act to allow the legislature to transfer trust lands for public use  
Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

**SENATE JOINT RESOLUTION NO. 31**, by Senators Clarke, Walgren and Holman (by Supreme Court request):  
Providing for a new judicial article in the Constitution.  
Referred to Judiciary Committee.

**SENATE JOINT RESOLUTION NO. 32**, by Senator Greive:  
Providing that local governmental units may use funds or credit to attract or expand industry.  
Referred to Committee on Cities, Towns and Counties.

**SENATE JOINT RESOLUTION NO. 33**, by Senator Whetzel:  
Amending the Constitution to authorize the use of trust lands for recreation without cost to the state.  
Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

**SENATE JOINT RESOLUTION NO. 34**, by Senator Whetzel:  
Proposing constitutional amendment permitting state aid to students to provide for their education.  
Referred to Committee on Education

**SENATE JOINT RESOLUTION NO. 35**, by Senator Mardesich  
Authorizing taxes against port districts.  
Referred to Committee on Ways and Means—Revenue and Taxation

**SENATE CONCURRENT RESOLUTION NO. 14**, by Senators Holman, Ridder and Washington.  
Directing the legislative council to make a study of taxing districts  
Referred to Committee on Ways and Means—Revenue and Taxation.

**SENATE CONCURRENT RESOLUTION NO. 15**, by Senator Gardner.  
Directing a study of oil tankers and oil spills in Puget Sound  
Referred to Committee on Natural Resources, Fisheries and Game.

**SENATE CONCURRENT RESOLUTION NO. 16**, by Senators Francis and Gardner.  
Authorizing a study relating to community schools.  
Referred to Committee on Education

**HOUSE BILL NO. 173**, by Representatives Wolf, Bottiger, Conway, O'Brien and Cunningham (by Legislative Council request)

Enabling endowment of the state capitol historical association  
Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO 198, by Representatives Copeland, Goldsworthy and Kopet (by Legislative Council request)

Providing that the legislative council and legislative budget committee may review and interim committee salaries

Referred to Committee on Ways and Means—Appropriations.

HOUSE BILL NO 212, by Representatives Thompson, Kopet, Hoggins and Mentor (by Legislative Budget Committee request):

Removing the forty percent limitation from marine fuel taxes used for capital improvements on marine recreation areas.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs

ENGROSSED HOUSE BILL NO 213, by Representatives Flanagan and Polk (by departmental request):

Pertaining to payment of inheritance taxes

Referred to Committee on Ways and Means—Revenue and Taxation

ENGROSSED HOUSE BILL NO 253, by Representatives Bluechel, Perry and Conway (by Secretary of State request):

Providing for certain changes in the regulation of nonprofit corporations and associations.

Referred to Judiciary Committee.

HOUSE BILL NO 307, by Representatives Flanagan, Kiskaddon, Brouillet and Laders.

Extending two mill shift for schools

Referred to Committee on Ways and Means—Revenue and Taxation.

HOUSE BILL NO 313 by Representatives Gladder, Kopet, Eikenberry, Paris and Conway (by departmental request).

Providing for changes in the law relating to county hospitals and infirmaries.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution

ENGROSSED HOUSE BILL NO 320, by Representatives Amen, Bozarth and Goldsworthy.

Delegating elevator inspection to the division of safety

Referred to Committee on Labor and Industrial Insurance

HOUSE BILL NO 434, by Representatives Kirk, King and Hoggins (by departmental request)

Authorizing deductions for certain state procured insurance from teachers' retirement allowances.

Referred to Committee on Public Pensions and Social Security

ENGROSSED HOUSE JOINT RESOLUTION NO 22, by Representatives Bledsoe, Berentson and Wolf (by Legislative Council request)

Providing for a new pattern of succession to fill vacancy in governor's office.

Referred to Committee on Constitution, Elections and Legislative Processes

HOUSE CONCURRENT RESOLUTION NO 16, by Representatives Ceccarelli, O'Brien, Copeland, Adams, Amen, Anderson, Backstrom, Bagnaniol, Barden, Bauer, Beck, Benitz, Berentson, Blair, Bledsoe, Bluechel, Boltiger, Bozarth, Bradley, Brouillet, Brown, Charette, Charnley, Chatalas, Conner, Conway, Costanti, Cunningham, Curtis, Douthwaite, Eikenberry, Farr, Flanagan, Gallagher, Gilleland, Gladder, Goldsworthy, Grant, Hansey,

Harris, Hatfield, Haussler, Hoggins, Hubbard, Hurley, Jastad, Johnson, Jones, Juehling, Julin, Kibury, King, Kirk, Kiskaddon, Knowles, Kopet, Kraabel, Kuehnle, Litchman, Luders, Lynch, Lysen, Marsh, Martinis, Marzano, Maxie, May, McCormick, McDermott, Mentor, Merrill, Moon, Morrison, Newhouse, North, Pardini, Paris, Perry, Polk, Rabel, Randall, Rosellini, Ross, Savage, Sawyer, Schumaker, Shera, Shupoch, Smith, Smythe, Spanton, Swayze, Thompson, Van Dyk, Wanamaker, Williams, Wojahn, Wolf and Zimmerman

Commending Will Bachofner for his service as Chief of Washington State Patrol

On motion of Senator Greive the rules were suspended, House Concurrent Resolution No. 16 was advanced to second reading and read the second time in full.

On motion of Senator Greive, the rules were suspended, House Concurrent Resolution No. 16 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 13 by Senators Greive, Bailey and Lewis.

Adopting the joint rules of the forty-second session of the legislature.

On motion of Senator Greive, the rules were suspended, Senate Concurrent Resolution No. 13 was advanced to second reading and read the second time in full.

Senator Greive moved adoption of the following amendment.

Amead Rule 2, following "Part Six" and insert:

"Part Seven

Retainer means to engage a professional adviser for pay independent of any future work or the result thereof on the part of the adviser. The following is a list of the names and addresses of all persons, firms, associations, corporations, or organizations from whom I, any firm, any association, any partnership, or enterprise of which I am a member, have received a retainer or deferred compensation retainer of more than \$1,500 paid in advance of, during, and after the conclusion of any regular or extraordinary session of the Washington State legislature within one year thereof.

NAME

ADDRESS

Renumber "Part Seven" to "Part Eight"

Debate ensued

The motion carried and the amendment was adopted on a rising vote. The President voted "aye".

#### POINT OF ORDER

Senator Andersen: "I do not believe everybody voted and I believe we are under a Call of the Senate, therefore, I do not believe there has been a proper vote on the amendment by Senator Greive or that the President's vote is required."

#### MOTION

Senator Mardesich moved that the rules be suspended and the Senate again vote on adoption of the amendment by Senator Greive to Senate Concurrent Resolution No. 13.

#### RULING BY THE PRESIDENT

The President: "The President will read that portion of Rule 11 that provides for action in regard to absent member. The doors shall then be closed and the sergeant-at-arms directed to take into custody all who may be absent without leave and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper."

"The President interprets this particular statement to mean that the purpose of the Call of the Senate is to require the presence of the members in the Senate Chamber but does not necessarily require them to vote unless the demand for roll call has been sustained. This is in line with the remarks made by Senator Stender in regard to the practices and traditions of the Senate."

"Inasmuch as this is the first instance that has occurred of this type in the President's experience, the President would be willing to follow the suggestion of Senator Mardesich if it meets with the wishes of the body to suspend the rules and give a member an opportunity to demand a roll call."

Senator Dore demanded a roll call and the demand was sustained by Senators Francis, Stender, Stortini, Connor, Washington, Ridder, Cooney, Henry and Keefe.

The President declared the question before the Senate to be the motion by Senator Mardesich that the rules be suspended and the Senate reconsider the vote by which the amendment by Senator Greive to Senate Concurrent Resolution No. 13 was adopted.

#### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 3; nays, 42; excused, 4.

Voting yea: Senators Guess, Lewis, Twigg 3.

Voting nay: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCucheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Wilson, Woodall 42.

Excused: Senators Day, Durkan, Fleming, Whetzel-4

Senator Homan moved adoption of the following amendment:

Amend Senate Concurrent Resolution No. 13 by adopting as Joint Rule 8 in lieu of Joint Rule 8 of the 41st Legislative session, the following:

"Rule 8. The presiding officer of each house shall appoint on such conference committee three members, selecting them so as to represent, in each case, the attitude of the majority and minority upon [the subject of the legislation referred to the conference committee.] the differences between the houses indicated by the amendment or amendments adopted in one house and rejected in the other."

Debate ensued

#### POINT OF INQUIRY

Senator Canfield: "Mr. President, would Senator Greive yield to a question? Senator, you have had a lot of experience here in developing these rules over the years. As I read Rule 8 and also the amendment, I see nothing in here to indicate that the appointments would have to be three members. Do these rules say that two of the three shall represent the majority and the other one represent the minority? Maybe the two would represent the minority and you would have the minority represented in both Houses and you would get a minority report which would be the majority report then."

Senator Greive: "You raise a new question. I am not prepared to answer it. As I recall, it is Rule 7."

Senator Canfield: "It is mentioned in Rule 7 but I was speaking specifically to Rule 8. I find nothing in here that suggests that the two of the three should represent the majority view. I think that is certainly the intent."

Senator Greive: "Senator, again I think and I am sure that over the years I am going to have as much trouble as anyone else when my interests or the interests I represent, this is sort of a tool that splits both ways."

"It just seems to me as always when you have a presiding officer, particularly one with a reputation for fairness that we have, that these things are better worked out. The presiding officer can read the bill, he can decide what the real differences are, and I cannot remember offhand of any time when he has been criticized in all the years he has presided, on this particular point. It seems to me he has been fair and the thing to do is to leave it to his discretion."

Senator Canfield: "So there will be no misunderstanding, I certainly was not intending to criticize the appointments by the presiding officer. I was directing my remarks rather to the rule itself."

#### MOTION

Senator Dore moved that the amendment by Senator Holman to Senate Concurrent Resolution No. 13 be laid upon the table.

Senator Dore demanded a roll call and the demand was sustained by Senators Stortini, Mardesich, Bailey, Ridder, Greive, Washington, Talley, Stender and Keefe.

## ROLL CALL

The Secretary called the roll and the amendment was laid upon the table by the following vote: Yeas, 24, nays, 22, excused, 3

Voting yea: Senators Bailey, Connor, Cooney, Donohue, Dore, Foley, Francis, Gissberg, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odagaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Wilson—24

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Elcker, Fleming, Gardner, Guess, Holman, Huntley, Lewis, McDougall, Marson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Twigg, Washington, Woodall—22

Excused: Senators Day, Durkan, Whetzel—3.

## POINT OF INQUIRY

Senator Metcalf: "Would Senator Greive yield to a question? In trying to resolve this, let me ask you this question, if the amendment by Senator Holman were amended to put a period after the word 'houses' would . . ."

## POINT OF ORDER

Senator Mardesich: "What is the issue before the Senate? I move we proceed in order."  
Senator Woodall: "The issue before the Senate is the adoption of Joint Rules. Senator Metcalf's inquiry is certainly in order."

Senator Mardesich: "Mr. President, we just voted on the motion to table the amendment by Senator Holman. That amendment is now dead. There has been no motion to reconsider. There now has to be put before the body another amendment if there are others pending."

## PRESIDENT'S RULING

The President: "Senator Metcalf rose and addressed the President. The President recognized Senator Metcalf and evidently Senator Metcalf wishes to ask Senator Greive a question. The President believes that is quite in order."

## POINT OF INQUIRY

Senator Metcalf: "I would just like to ask Senator Greive if the placing of a period after the word 'houses' would not satisfy the objection to this amendment."

Senator Greive: "I do not know that it would satisfy everybody. It would satisfy me."

## POINT OF ORDER

Senator Mardesich: "I will raise the point of order again. This issue has been decided by a vote."

## MOTIONS

On motion of Senator Greive the Senate dispensed with the Call of the Senate

At 12.45 p.m., on motion of Senator Greive, the Senate adjourned until 1.45 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1.45 p.m.

The Senate resumed consideration of Senate Concurrent Resolution No. 13 on second reading, as amended by Senator Greive.

Senator Holman moved adoption of the following amendment.

Amend Senate Concurrent Resolution 13 by adopting as Joint Rule 9 in lieu of Joint Rule 9 of the 41st Legislative session, the following

"Rule 9. In case of a failure of the conferees to agree, a report of such disagreement shall be made and the power of free conference may be granted to the two houses either to the same committee, or the committee may be discharged and a new committee appointed with the power of free conference, to whom the whole subject matter embraced in the bill or resolution shall be committed. *Provided however, that the committee members of either house shall not be empowered, except by authority specifically granted in each instance by*

such house, to adopt any position theretofore rejected by such house during the current legislative session [and the] The committee of free conference may report by new bill or resolution, or otherwise, and bills or resolutions so reported shall be acted upon in the same manner as provided for reports of conference committees."

### MOTION

On motion of Senator McDougall, Senator Lewis was excused

### POINT OF INQUIRY

Senator Atwood: "Would Senator Holman yield? I assume that this proposal would apply to the free conference committees on the budget, so every time we wanted to change a figure, we would have to come back here and get approval of the body before changing it or even considering it?"

Senator Holman: "No, I do not think a change in a figure between one figure in the House and one figure in the Senate would require prior Senate approval. I would say, for example, where you put in a proviso as happened in 1967 that a certain institution would be removed from a certain place and phased out of existence. That is the kind of a thing which having been voted on before, you could not do without coming back and saying 'We propose to do this' and getting permission."

Senator Atwood: "If we delete a complete item out of the budget, a capital project, would we have to come back and get specific authority from the body?"

Senator Holman: "Let me ask, was this matter specifically taken up and rejected before? If it was not, and in that case it probably was not, it would not. This is only the case where the House has taken a firm position on something. That is all."

Senator Atwood: "But it does apply to every proviso in the budget that was not there in either house? What if we put in some provisos and send it back to the other house, and they reject the whole budget? Then the House would have to debate the provisos that we put on and I assume if any new provisos were put on, both houses would have to come back and debate those."

Senator Holman: "I can't give you a for instance on every single instance but I think if something like that comes up, it would be under this rule incumbent upon the chairman of the conference committee to take it up with the respective caucuses and bring it out on the floor and make a record of it."

### MOTION

Senator Bailey moved that the amendment by Senator Holman be laid upon the table.

Senator Holman demanded a roll call and the demand was sustained by Senators McDougall, Washington, Stortum, Woodall, Matson, Metcalf, Atwood, Murray and Wilson.

### ROLL CALL

The Secretary called the roll, and the motion by Senator Bailey failed by the following vote: Yeas, 20, nays, 24, absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Cooney, Donohue, Dore, Foley, Gissberg, Herr, Joly, Keefe, Knoblauch, McClutcheon, Mardesich, Peterson (Lowell), Sandison, Talley, Walgren. 20.

Voting nay: Senators Andersen, Clarke, Elcker, Fleming, Francis, Gardner, Greive, Gress, Holman, Huntley, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Scott, Stender, Stortum, Twigg, Washington, Wilson, Woodall. 24.

Absent or not voting: Senator Henry-1.

Excused: Senators Day, Durkan, Lewis, Whetzel-4.

Debate ensued.

### MOTION

On motion of Senator Dore, Senate Concurrent Resolution No. 13 and the pending amendment by Senator Holman was ordered placed on the second reading calendar for Monday, February 22, 1971.

## SECOND READING

SENATE BILL NO. 133, by Senators Foley, Newschwander, Andersen and Canfield (by Legislative Budget Committee request):

Transferring powers from the boards of trustees of community colleges to the college board.

The Senate resumed consideration of Senate Bill No. 133 and the committee amendments to page 5, section 2, lines 11 and 16. The committee amendments to page 3, section 1 and page 5, section 2 having been adopted on February 16, 1971.

Senator Sandison moved adoption of the committee amendment to page 5, section 2, line 11.

## POINT OF INQUIRY

Senator Canfield: "I think it is important, Mr. President, to indicate legislative intent and I wholeheartedly support the amendment but I would like to have Senator Sandison to express the legislative intent in this amendment and specifically, Senator, I am sure it is the desire of the legislature or the committee to hamper some of these temporary classrooms. I do not like to call them satellites—but at any rate they are services provided by the community colleges to take care of various community needs?"

Senator Sandison: "No, Senator Canfield, it certainly was not the intent of the majority of the committee that passed this amendment. It says in this amendment that on facilities of a temporary nature, including facilities in local high schools, community buildings, and so on, that the usual expansion to take care of community needs will be allowed."

On motion of Senator Sandison the committee amendment to page 5, section 2, line 16 was adopted.

On motion of Senator Canfield, the following amendment was adopted:

On page 3, section 1, line 31, after "legislature" insert "AND PROVIDED FURTHER That such facilities shall not be established unless authorized by the legislature"

On motion of Senator Foley, the rules were suspended, Engrossed Senate Bill No. 133 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

## POINT OF INQUIRY

Senator Washington: "Would Senator Foley yield to a question? At the present time on the north campus of Big Bend Community College at the Grant county airport, they are utilizing barracks that used to be there during the air force days as dormitories. Would this bill prevent them from continuing to occupy these buildings as dormitories?"

Senator Foley: "I have received from Dr. Terry within the last week a letter stating that everything over there pertaining to this particular problem is now being held in abeyance and will be held in abeyance until 1972 as to whether or not there should be a north and a south campus. They even raised the issue about the dormitory."

"There was an extremely small amount of students living in the dormitory. You may correct me if I am wrong and speaking from memory, it was about a three hundred unit dormitory and there are less than a hundred living there at the present time."

"Now I am not answering your specific question because I frankly do not know because they have not made up their minds over there exactly what they intend to do so I cannot answer your question definitely."

Senator Atwood: "In response to your question, Senator Washington, if you will look at the bill, it is provided that after the effective date of this act, the state college board shall have the exclusive power to establish new dormitory facilities. The way I read it, it does not apply to any existing dormitories because there are several existing ones."

Senator Washington: "I think that answers my question."

## POINT OF INQUIRY

Senator Gissberg: "Will Senator Foley yield? Senator, at the present time do the institutions of higher education have to receive their dormitory construction approved by the legislature?"

Senator Foley: "They will appear in the budget, yes. I checked that within the last hour in the budget book of 1967-69 and 1969-71. Insofar as the University of Washington and Washington State University was concerned, there was a line item there authorizing the building of an apartment or dormitory."

"Now there are specific laws other than the budget law that states how they shall build

them, (a) either by tuition bonds or whatever type bond is necessary or whatever other financing they can get. I understand that some of them are using, at least in one instance, HUD money to do this but it is also my understanding that it is a budget item that appears in the budget at each time as the regents have approved and sent over to the office of program planning and fiscal management."

Senator Gissberg "I understand that, but my question is, whether or not before the institutions of higher education can construct the dormitory whether that request has to be approved by the legislature in terms of an appropriation?"

Senator Foley "I will answer your question in this way, I am sure that if the legislature in its wisdom would (a) either strike the particular item as it appeared in the capital request that they would not and they indicated to the University that they felt it was not in the best interest of the state that any more dormitories or apartment houses or whatever you might want to call it, be built, that they would not be built. It would not be the legislative intent . . . that they not be built."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No 133, and the bill passed the Senate by the following vote: Yeas, 41, nays, 2, absent or not voting, 2, excused, 4.

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Ellicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Gless, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Woodall—41

Voting nay: Senators Ridder, Wilson—2.

Absent or not voting Senators Dore, Scott 2.

Excused: Senators Day, Durkan, Lewis, Whetzel—4.

ENGROSSED SENATE BILL NO 133, having received the constitutional majority, was declared passed. There being no objection the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO 280, by Senators Washington and Huntley (by Joint Committee on Highways request)

Regulating motor vehicle noise

#### MOTION

On motion of Senator Washington, Senate Bill No 280 was referred to the Committee on Rules and Joint Rules.

SENATE BILL NO 68, by Senators Ridder, Stender, Bailey and Stortini

Allowing vocational rehabilitation or retraining under industrial insurance coverage

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, Senate Bill No 68 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No 68, and the bill passed the Senate by the following vote: Yeas, 43, absent or not voting 2, excused, 4

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Ellicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Gless, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall 43



Absent or not voting: Senators Dore, Scott—2.

Excused: Senators Day, Durkan, Lewis, Whetzel—4.

SENATE BILL NO. 68, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 35, by Senator Wilson:

Authorizing Eastern Washington State College to grant certain bachelor degrees.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 35 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 35, and the bill passed the Senate by the following vote: Yeas, 44, absent or not voting, 1, excused, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Ellicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Wagren, Washington, Wilson, Woodall—44.

Absent or not voting: Senator Scott—1.

Excused: Senators Day, Durkan, Lewis, Whetzel—4.

SENATE BILL NO. 35, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 447, by Senators Gissberg, Andersen and Greive

Providing for publication and distribution of court of appeals reports.

The bill was read the second time by sections.

On motion of Senator Gissberg, the following amendment was adopted.

On page 1, section 1, line 14, after "consist of" strike "five" and insert "[five] six"

On motion of Senator Mardesich, the following amendment was adopted.

On page 2, section 2, line 10, after "retain" strike "forty-five copies" and insert "[forty-five copies] such copies as are necessary"

On motion of Senator Gissberg, the rules were suspended, Engrossed Senate Bill No. 447 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 447, and the bill passed the Senate by the following vote: Yeas, 45, absent or not voting, 1, excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Ellicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Wagren, Washington, Wilson, Woodall—45.

Absent or not voting: Senator Dore—1.

Excused: Senators Day, Durkan, Whetzel—3.

ENGROSSED SENATE BILL NO 447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 449, by Senators Gissberg, Andersen, Dore and Greive:

Providing for appeals procedures to the court of appeals.

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, Senate Bill No 449 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No 449, and the bill passed the Senate by the following vote: Yeas, 43, absent or not voting, 3, excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Wilson, Woodall—43.

Absent or not voting: Senators Connor, Matson, Talley—3.

Excused: Senators Day, Durkan, Whetzel—3.

SENATE BILL NO 449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO 241, by Senators Holman, Foley, Dore and Clarke (by Judicial Council request):

Adding additional members to the judicial council.

The bill was read the second time by sections.

On motion of Senator Dore, the following amendment by Senators Dore and Gissberg was adopted.

On page 2, section 6, line 8, after "association" insert "from a list of nominees submitted by the legislative committee of the Washington state bar association".

On motion of Senator Holman, the rules were suspended. Engrossed Senate Bill No 241 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No 241, and the bill passed the Senate by the following vote: Yeas, 45, absent or not voting, 1, excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—45.

Absent or not voting: Senator Francis—1.

Excused: Senators Day, Durkan, Whetzel—3.

ENGROSSED SENATE BILL NO 241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 363, by Senators Guess, Henry and Washington

Providing for acquisition of property by public agencies.

The Senate resumed consideration of Senate Bill No. 363 on second reading and the pending amendments by Senators Murray, Henry, Peterson (Ted), McDougall, Guess and Bailey, which was moved for adoption on February 11, 1971.

#### MOTION

Senator Keefe moved that Senate Bill No. 363 and the pending amendments be held for consideration on Monday, February 22, 1971

Debate ensued

The motion lost on a rising vote

Senator Dore moved adoption of the following amendment to the amendment by Senators Murray, Henry, Peterson (Ted), McDougall, Guess and Bailey

On page 1, section 3, subsection 2 of the amendment, strike "(2) The attorney general or other attorney representing a condemnor in effecting a settlement of an eminent domain proceeding may allow to the condemnor reasonable attorney fees," and insert: "(2) If, in the opinion of the trial court, condemnor has shown bad faith in its dealings with condemnor relative to the property condemned."

Debate ensued.

#### POINT OF INQUIRY

Senator Woodall: "Would Senator Dore yield? Senator, as I read this amendment, it allows the attorney general to allow attorney fees. Now he could do that without having to get authority from the court just as part of the bargain?"

Senator Dore: "As I read it, yes."

Senator Woodall: "Suppose you happened to get an attorney general who was prone for fee splitting? Wouldn't there be a little danger there?"

Senator Dore: "In answer to your question, I think that if we do not adopt this amendment, this could be of a scandalous proportion. We might have a system. I am not saying in any reference to the present attorney general, this is theoretic. Say I was an attorney general, I could give my friends. It defines reasonable fee based on time and trial and hours spent in preparation. Of course, attorneys do not always keep exact time. Sometimes they round those minutes off to hours and if the attorney general got a long list 'I spent eighty-five hours on negotiating settlement with you,' it could have been having lunch with him or anything else, then you get the bar rate times that eighty-five hours. You can see what a scandalous situation it might be."

"Now I made specific accusations against the position on the constitutionality. In order to make this constitutional we will have the word 'shall' in, 'Shall in every case, in a case of a settlement, give a reasonable attorneys' fee' because you are not allowed to pick and choose. I said without that word it would be unconstitutional. Senator Clarke chose to not comment on that."

"If you are going to leave 'may' in, then you must give the standards, 'may' do it under the following criteria. We had the same factual and legal situation in the toxicologist bill. This just cannot stand. This has a tremendous financial impact. How many millions of dollars are involved in giving attorneys' fees on settlements which are not allowed at the present time."

"I am perfectly in favor of the remaining parts of the bill, I am for it, I think it should be corrected. We should not award contingent fees under the courts. We should have it limited but this would really be a Pandora's box."

Further debate ensued.

The motion failed and the amendment by Senator Dore to the amendment was not adopted on a rising vote.

#### POINT OF INQUIRY

Senator McDougall: "Mr. President, when Senator Dore and I were conferring he indicated that he would like to speak to the first amendment and that he would allow me the opportunity to express my remarks on the amendment which I submitted here several days ago specifically dealing with this same part of subsection 3."

Senator Dore: "Mr. President, answering Senator McDougall, if I had that understanding with you I would gladly honor it, but I think under Reed's rules you give the highest number first and mine is sixty and yours is thirty. You can speak first if you want to on my amendment but I think if you adopt the sixty, that is it. You do not get to the thirty."

Senator McDougall: "Senator, I believe that you actually made that particular statement to me as we stood before the Secretary's desk a short time ago."

Senator Dore: "If I did, I will go against the Reed's rule and ask that your amendment be read but I did not mean to do that. I think you always go to the highest numbers first. But go ahead and offer your amendment and I will pull mine back and we will do it backwards. It is all right with me."

Senator McDougall moved adoption of the following amendment by Senators McDougall, Murray and Peterson (Ted) to the amendment by Senators Murray, Henry, Peterson (Ted), McDougall, Guess and Bailey

In section 3, line 5 of subsection (3) after "within" and before "days" strike "fifteen" and insert "thirty"

On line 6 of subsection (3) after "within" and before "days" strike "fifteen" and insert "thirty"

Debate ensued

#### POINT OF ORDER

Senator Mardesich: "I would like to raise the point of order if this is the correct amendment that we are looking at. Senator McDougall and Senator Murray, you are adding, as I understand it, the new section 3 and amending chapter RCW 8 25 070 and nowhere do I see what would have been the beginning of the section according to the way this amendment is drafted. I haven't checked the code to see what it is but the way this amendment is drafted, it cannot possibly be correct because you have nowhere a capital letter eliminated indicating somewhere that there was the beginning of a paragraph. You really cannot tell unless you check the code to see what this is all about. This amendment is technically not correct."

"If the President should agree that there is a technical amendment that would be necessary here, I would move that this matter be set over until Monday because there is something wrong with the amendment as presently offered."

#### PRESIDENT'S REPLY

The President: "Senator Mardesich, the President believes that a technical amendment may be necessary."

#### MOTIONS

On motion of Senator Bailey, Senate Bill No. 363 and the pending amendment by Senator McDougall to the amendment was made a special order of business for Saturday, February 20, 1971 at 11:15 a.m.

At 4:05 p.m., on motion of Senator Greve, the Senate adjourned until 11:00 a.m., Saturday, February 20, 1971.

JOHN A. CHERBERG, President of the Senate.  
SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY FIRST DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Saturday, February 20, 1971

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Day, Durkan, Gardner, Gissberg, Keefe, Matson, Newshwander, Stender, and Twigg. On motion of Senator Knoblauch, Senators Day, Durkan, Gardner, Gissberg and Keefe were excused. On motion of Senator McDougall, Senators Matson, Stender and Twigg were excused.

The Color Guard consisting of Pages Roberta Sherman, Color Bearer, and Terry Watson, presented the Colors. Reverend J. Alan Justad, pastor of First United Methodist Church of Olympia, offered prayer as follows:

"Almighty Father, who hast given us this good land for our heritage, we humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and to have it said of us that in every way we left this land better than we found it.

"Our Father, as the sessions of this legislature begin to lengthen through the long nights and the weekends, we ask for Thy special strength for these distinguished Senators. Bless their families and business at home which must be neglected more and more as the demands of the legislature become more insistent.

"O Father, help each Senator here to weigh in Thy balance each individual bill as they would hear Thy voice asking 'Are you doing unto others as you would have them do unto you?' Help each to remember that their 'yea' or 'nay' may make the difference between their fellowmen going hungry or eating, unemployed or fully employed, and our lovely state raped and polluted or the crowning jewel of our fair land.

"Our Father, please remind us daily that our last vote will not be on the floor of this Senate, but before the final bar of Thy justice. As we remember this may we be made constantly aware that our precious democratic process is on trial for its very life before a growing non-free world. We would therefore remember in prayer daily, each state legislature, their Governors and our United States Congress and our President that they all be true and just in Thy sight. So that this government of the people, by the people and for the people shall not perish from the face of this earth. Amen."

On motion of Senator Bailey, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

February 17, 1971

SENATE BILL NO. 130, authorizing parking and business improvement areas and special assessments therefor (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass as amended

Signed by: Senators Connor, Chairman; Elicker, Herr, McDougall, Peterson (Ted), Ridder, Talley, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

February 18, 1971

SENATE BILL NO. 152, creating child care centers in class AA and class A counties (reported by Committee on Public Institutions):

MAJORITY recommendation: That substitute Senate Bill No. 152 be substituted therefor and that the substitute bill be referred to the Committee on Ways and Means.

Signed by: Senators Odgaard, Chairman; Clarke, Knoblauch, Stortini, Talley, Twigg

## MOTION

On motion of Senator Odgaard, Senate Bill No. 152 was referred to the Committee on Ways and Means - Appropriations.

REPORTS OF STANDING COMMITTEES

February 16, 1971  
SENATE BILL NO. 187, providing certain changes in the law relating to the mentally ill (reported by Committee on Public Institutions):

MAJORITY recommendation: That Substitute Senate Bill No. 187 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Odegaard, Chairman, Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg

Passed to Committee on Rules and Joint Rules for second reading.

February 19, 1971  
SENATE BILL NO. 260, extending workman's compensation to retail clerks (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman, Bailey, Connor, Ridder, Stender

Passed to Committee on Rules and Joint Rules for second reading.

February 18, 1971  
SENATE BILL NO. 261, providing wage protection to employees (reported by Committee on Labor and Industrial Insurance)

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman, Connor, McDougall, Matson, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

February 17, 1971  
SENATE BILL NO. 377, filing of fee arrangements for special assistants to attorney general (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman, Atwood, Elicker, Gardner, Gissberg, Henry, Jolly, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.

February 19, 1971  
SENATE BILL NO. 387, requiring probation reports by the department of social and health services (reported by Judiciary Committee):

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means—Appropriations.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Atwood, Clarke, Foley, Greive, Holman, Twigg, Walgren.

MOTION

On motion of Senator Dore, Senate Bill No. 387 was referred to the Committee on Ways and Means—Appropriations.

REPORTS OF STANDING COMMITTEES

February 19, 1971  
SENATE BILL NO. 390, providing that only decisions of the court of appeals which have precedential value shall be published (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 390 be substituted therefor and the substitute bill do pass.

Signed by: Senators Gissberg, Chairman, Dore, Vice Chairman; Andersen, Atwood, Clarke, Foley, Greive, Holman, Twigg, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

February 17, 1971  
SENATE BILL NO. 394, establishing the Washington commission on Mexican-American affairs (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman, Elicker, Gardner, Gissberg, Henry, Jolly

Passed to Committee on Rules and Joint Rules for second reading.

February 16, 1971  
SENATE JOINT RESOLUTION NO. 22, providing a constitutional amendment concerning loaning the credit of the state (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McCutcheon, Chairman; Wilson, Vice Chairman, Cooney, Donohue, Dore, Greive, Holman, Keefe, Washington

Passed to Committee on Rules and Joint Rules for second reading.

February 18, 1971

ENGROSSED HOUSE BILL NO. 71, extending medical aid coverage to state volunteer workers (reported by Committee on Labor and Industrial Insurance).

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Connor, McDougall, Matson, Stender

MINORITY recommendation: Do not pass

Signed by: Senators Mardesich, Stender, Woodall.

Passed to Committee on Rules and Joint Rules for second reading

### MESSAGE FROM THE HOUSE

February 18, 1971.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 18, and the same is herewith transmitted, MALCOLM McBEATH, Chief Clerk.

### SECOND READING

### SPECIAL ORDER OF BUSINESS

SENATE BILL NO. 363, by Senators Guess, Henry and Washington:

Providing for acquisition of property by public agencies.

The time having arrived, the Senate resumed consideration of Senate Bill No. 363 and the pending amendment by Senators McDougall, Murray and Peterson (Ted) to the amendment by Senators Murray, Henry, Peterson (Ted), McDougall, Guess and Bailey.

Debate ensued.

### POINT OF INQUIRY

Senator Dore: "Would Senator McDougall yield? In the interest of expediting time and not having two or three votes, would you agree to a compromise between the thirty and sixty days, have forty five?"

Senator McDougall: "Senator, I believe that I stated already that we very much took into consideration your proposal for sixty days and we did increase it by fifteen days. We felt this was a fair compromise and for that reason, I would be somewhat reluctant to increase it to forty-five days."

Further debate ensued.

The motion carried and the amendment by Senators McDougall, Murray and Peterson (Ted) to the amendment was adopted on a rising vote.

Senator Dore moved adoption of the following amendment to the amendment by Senators Murray, Henry, Peterson (Ted), McDougall, Guess and Bailey.

In section 3, subsection 4, add a new sentence to read as follows.

*Reasonable expert witness fees as authorized in this section shall not exceed the customary rates obtaining in the county by the hour for investigation and research and by the day or half day for trial attendance.*

Debate ensued.

The motion carried and the amendment to the amendment was adopted.

### POINT OF INQUIRY

Senator Dore: "Would Senator Murray yield to a question? Senator, the other day you said that you agreed with half of my first amendment. We have ready weakened this law because we have stricken out the language which is the present law. 'If in the opinion of the trial court condemnor has shown bad faith in his dealings with condemnor relative to the property condemned'. I am wondering if I could make an oral motion to reinstate that part of the first amendment. You said the other day you favored that."

Senator Murray: "Just for the record, Senator Dore, I did not say I favored it. I objected to one more than I objected to the other and suggested that we consider them as separate motions. Since the body heard the arguments I would suggest we abide by that decision."

# POINT OF ORDER

Senator Mardesich: "Mr. President, I again raise the point of order that there is no subject before us and that if we continue this procedure of voting upon amendments and then allowing a discussion to take place, we will never finish the session. It would seem to me that before the floor can be taken, simply on the basis of a member yielding to a question, we should have before us some subject for discussion."

## RULING BY THE PRESIDENT

The President: "Thank you, Senator Mardesich. The point is well taken. The question before the Senate is the adoption of the amendment as amended."

On motion of Senator Murray, the amendment by Senators Murray, Henry, Peterson (Ted), McDougall, Guess and Bailey, as amended, was adopted.

On motion of Senator Murray, the following amendment to the title was adopted:

On page 1, line 3 of the title after "47.52 050;" and before "and" insert "amending section 3, chapter 137, Laws of 1967 ex. sess. and RCW 8.25.070."

On motion of Senator Guess, the rules were suspended. Engrossed Senate Bill No. 763 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Fleming: "Mr. President, would Senator Whetzel yield to a question? Senator, would this bill help us to block I-90?"

Senator Whetzel: "I doubt, Senator Fleming, whether this bill will have very much to do with either blocking or implementing I-90. I think it applies generally to all kinds of condemnation actions by the state and local government. I do not think it is going to advance or impede any particular project."

Senator Fleming: "But is it more favorable for the one that has to have his property condemned, or the highway department?"

Senator Whetzel: "In the committee there was testimony by the highway department that it might aid the highway department in the I-90 bridge construction where they plan to proceed under one proposal which, if that is the final proposal of the highway department, to tunnel under Mt. Baker ridge, at the present time the law requires they acquire that property in fee which means they would have to acquire the houses on top of the ridge simply in order to acquire the property rights to tunnel under."

"This bill would permit them to acquire just the subsurface rights and leave undisturbed the fee title on the surface, although I suppose under the present law they could acquire the fee rights, put the tunnel in and then sell back an interest to the people on the top and leave them undisturbed."

"So the ultimate impact of this bill might not really have any effect on those people. It would just make it more convenient for the state to go in and just acquire the rights that the state may decide they finally want to take."

## POINT OF INQUIRY

Senator Atwood: "Would Senator Guess yield? Senator, under the present state of this bill with the amendments now on, I assume that this gives the attorney general, the prosecuting attorney, the city attorney, or the port attorney or any other agency's attorney authority to give an attorney's fee in a condemnation suit."

Senator Guess: "This is right."

## POINT OF INQUIRY

Senator Woodall: "Would Senator Murray yield? Do you say the highway department is his boss? Aren't they employed by Slade Gorton? Doesn't he hire him and fire him and merely assign him to the highway department?"

Senator Murray: "It is highway department funds that they are actually expending and I am sure the highway department takes pretty close control of it."

Senator Woodall: "You are not answering my question. You say the highway department is their boss. They are appointed by Slade Gorton, aren't they?"

Senator Murray: "That is true, Senator."

Senator Woodall: "So they are not under the control of the highway department as to their salary?"

Senator Murray: "I am merely pointing out that the highway department I think would complain to the attorney general if the man assigned to them was not handling the interests of the department in the best manner possible."



Senator Woodall: "That is entirely different from what you first said. You said the highway department was their boss."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 363 and the bill failed to pass the Senate by the following vote: Yeas, 21; nays, 18, absent or not voting, 1; excused, 9.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Dore, Guess, Henry, Holman, Huntley, Jolly, Knoblauch, McCutcheon, Metcalf, Murray, Peterson (Ted), Scott, Talley, Washington, Whetzel, Wilson—21.

Voting nay: Senators Atwood, Cooney, Donohue, Fleming, Foley, Francis, Greive, Herr, Lewis, McDougall, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Walgren, Woodall—18.

Absent or not voting: Senator Ellicker—1.

Excused: Senators Day, Durkan, Gardner, Gasberg, Keefe, Matson, Newschwander, Stender, Twigg—9.

ENGROSSED SENATE BILL NO. 363, having failed to receive the constitutional majority, was declared lost.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator McDougall served notice that he would, on Monday, February 22, 1971 move that the Senate reconsider the vote by which Engrossed Senate Bill No. 363 failed to pass the Senate.

#### SECOND READING

SENATE BILL NO. 196, by Senators Odegaard, Sandison and Metcalf (by departmental request).

Creating aid program for paroled, discharged prisoners and felons granted probation.

The bill was read the second time by sections.

On motion of Senator Odegaard, the rules were suspended, Senate Bill No. 196 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Woodall: "Would Senator Odegaard yield to a question? Is this a fund that the prisoners pay back or is it out-and-out gifts and grants?"

Senator Odegaard: "The prisoners are supposed to pay back. In the last several years there has been about fifteen thousand dollars that has been appropriated for this fund and over a period of many, many years, not all of these men have paid it back. There is fifteen thousand dollars in the Governor's budget to replenish the fund. About four thousand dollars remain in the present fund."

Senator Woodall: "You are now saying that they can participate when they are given probation and they have never even been sent away. Is a person who commits a crime and gets probation entitled to borrow money from this fund?"

Senator Odegaard: "Yes, it would include felons who are placed on probation. The idea of it is that it is supposed to be paid back."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 196, and the bill passed the Senate by the following vote: Yeas, 29; nays, 10, absent or not voting, 1, excused, 9.

Voting yea: Senators Bailey, Clarke, Connor, Donohue, Dore, Fleming, Foley, Francis, Greive, Henry, Herr, Holman, Jolly, Knoblauch, McCutcheon, Metcalf, Murray, Odegaard,

Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Whetzel, Wilson-29

Voting nay Senators Andersen, Atwood, Canfield, Cooney, Guess, Huntley, Lewis, McDougall, Mardesich, Woodall-10

Absent or not voting: Senator Elicker-1.

Excused Senators Day, Durkan, Gardner, Gissberg, Keefe, Matson, Newschwander, Stender, Twigg-9

SENATE BILL NO. 196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act

SENATE BILL NO. 149, by Senators Talley, Connor and Peterson (Ted):

Authorizing a two hundred dollar minimum dues for members of the Washington Public Ports Association

The bill was read the second time by sections.

Senator McDougall moved adoption of the following amendment by Senators McDougall and Greive:

On page 1, immediately following section 1, add three new sections to read as follows: "NEW SECTION. Sec. 2. There is added to chapter 53.12 RCW a new section to read as follows.

The commissioners of any port district who do not receive compensation as otherwise provided for in section 3 of this act shall be reimbursed at the rate of twenty-five dollars per day for each day or portion thereof spent in actual attendance at official meetings of the port district commission PROVIDED, That in no case shall the total per diem authorized under this section exceed one hundred dollars for any commissioner for any calendar month.

NEW SECTION Sec. 3 There is added to chapter 53.12 RCW a new section to read as follows:

Commissioners of a port district having a population of more than one hundred thousand persons according to the latest United States census, shall receive a salary of three hundred dollars per month.

NEW SECTION. Sec. 4. Section 4, chapter 34E, Laws of 1955, section 1, chapter 72, Laws of 1957 and RCW 53.12.250 are each repealed."

Senator Walgren moved adoption of the following amendment to the amendment by Senators McDougall and Greive.

On page 1, section 2, line 7, after "commission" add "held at the regularly constituted port district office"

Debate ensued

#### POINT OF INQUIRY

Senator Talley: "Would Senator Walgren yield to question? Senator, by this amendment, they could go anyplace on business and receive twenty-five dollars?"

Senator Walgren "That is right."

Senator Talley moved that the amendment by Senator Walgren be laid upon the table.

Debate ensued

The motion carried and the amendment by Senator Walgren to the amendment by Senators McDougall and Greive was laid upon the table on a rising vote

Senator Mardesich moved adoption of the following amendment to the amendment by Senators McDougall and Greive.

On page 1, section 2, line 1, after "any" and before "port" insert "active"

Debate ensued

#### POINT OF INQUIRY

Senator Lewis: "Would Senator Mardesich yield? Senator, to my knowledge there is nothing in any statute that provides a definition for the word 'active' I think this is a hole in the port statutes and my understanding of the seventy-three port districts in the state, only three have failed to elect port commissioners. My question is, what is the intent of your amendment as far as the definition of 'active' means?"

Senator Mardesich: "I would assume that would finally be up to a court but my intention is to restrict the application of this new section 2 to those port districts which are actively engaged in conducting port district businesses under the law as it now exists, and would not allow those districts which do not have an active and continuing program to draw the per diem."

## POINT OF INQUIRY

Senator Canfield: "Will Senator McDougall yield? Senator, in regard to section 3 where you make the salary mandatory, I thought we were trying to get away from mandated salaries at the state level and we were leaving that to local authority. Why did you make this a mandatory salary?"

Senator McDougall: "There have been provisions with regard to those districts having a population of more than one hundred thousand. Again a rather cumbersome way of achieving salaries and I think that that as we have done in many other instances, and while I would like to change it, particularly with regard to our county elected officials, nonetheless I would be somewhat reluctant to putting the 'may' proviso in."

Further debate ensued

## POINT OF INQUIRY

Senator Bailey: "Mr. President, will Senator Greive yield? Senator, didn't this whole situation come about actually due to a heroic gesture on the part of the King county port commission when they said that they should not be paid any salary? Were they willing to serve for one dollar a year?"

Senator Greive: "Some years ago when none of the present members were on the commission, a man by the name of Haydon, who now is the governor of Samoa, led a public drive so they would get one dollar a year."

## MOTIONS

On motion of Senator Donohue, Senate Bill No. 149 and the pending amendment by Senators McDougall and Greive and the amendment to the amendment by Senator Mardesich was ordered held on the second reading calendar for Monday, February 22, 1971.

On motion of Senator Atwood, Senate Bill No. 102 was ordered to hold its place on the second reading calendar for Monday, February 22, 1971.

On motion of Senator Metcalf, Senator Flicker was excused.

SENATE BILL NO. 183, by Senators Holman, Clarke and Elbcker:

Requiring a claim for mechanics' and materialmen's liens to contain the address of claimant.

## REPORT OF STANDING COMMITTEE

February 10, 1971.

SENATE BILL NO. 183 requiring a claim for mechanics' and materialmen's liens to contain the address of claimant (reported by Judiciary Committee):

MAJORITY recommendation. Do pass with the following amendment:

On page 2, section 1, beginning on line 6, after "claimant," insert a period and strike the remainder of the underlined material.

Signed by: Senators Gissberg, Chairman, Dore, Vice Chairman, Andersen, Francis, Holman, Twigg, Walgren, Woodall.

The bill was read the second time by sections.

On motion of Senator Holman, the committee amendment was adopted.

On motion of Senator Holman, the rules were suspended, Engrossed Senate Bill No. 183 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 183 and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Fleming, Foley, Francis, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall. 39.

Excused: Senators Day, Durkan, Elbcker, Gardner, Gissberg, Keefe, Matson, Newschwander, Stender, Twigg—10.

ENGROSSED SENATE BILL NO 183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 151, by Senators Holman and Foley (by State Finance Committee request)

Implementing school plant facilities bond aid act of 1969

# REPORT OF STANDING COMMITTEE

February 12, 1971

SENATE BILL NO. 151, implementing school plant facilities bond aid act of 1969 (reported by Committee on Ways and Means)

MAJORITY recommendation Do pass with the following amendments:

On page 2, section 1, line 11, after "in" and before "RCW" insert "RCW 28A 47 784 through RCW 28A 47.791, as amended, and in"

On page 3, section 2, line 7, after "by" and before "RCW" insert "RCW 28A 47 784 through RCW 28A 47.791, as amended, and by"

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Cooney, Donohue, Dore, Fleming, Holman, Huntley Jolly, Lewis Mardesich, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Scott, Stortini, Washington.

The bill was read the second time by sections.

On motion of Senator Holman, the committee amendments were adopted.

# POINT OF INQUIRY

Senator Mardesich "Before we leave the amendment stage of the body of the bill, I wonder if Senator Holman would yield? Senator, with respect to page 3, section 3, the last section of the measure. Just at a glance it appears to me that the new language which would allow the application of funds from any source or sources not prohibited by the Constitution. The addition of those words would seem to me to be in conflict with the last sentence 'The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of general credit'. It would seem to me that if you require or allow that you can pledge money from any source not prohibited by the Constitution, you could back with general credit."

Senator Holman: "Senator, I will try to answer that question, although this was very carefully drawn by bond counsel. I think what that means is that they want to make these bonds as salable as possible. They are limited obligation bonds. They cannot be general obligation bonds and so all they are saying here is that any source that the legislature can pledge constitutionally without making them general obligation bonds, we intend to do so. It just makes them more salable. That would be my understanding."

On motion of Senator Holman, the rules were suspended, Engrossed Senate Bill No. 151 was advanced to third reading, the second reading considered the third, and the bill placed on final passage.

Debate ensued.

# ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 151, and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea, Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Fleming, Foley, Francis, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall--39

Excused, Senators Day, Durkan, Elcker, Gardner, Gissberg, Keefe, Matson, Newschwander, Stender, Twigg--10

ENGROSSED SENATE BILL NO 151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Francis, Senate Bill No. 32 was ordered to hold its place on the second reading calendar for Monday, February 22, 1971.

SENATE BILL NO. 135, by Senators Wilson, Canfield and Donohue:

Providing an assessment on each meat food animal to support the livestock disease diagnostic service.

## REPORT OF STANDING COMMITTEE

February 11, 1971

SENATE BILL NO. 135, providing an assessment on each meat food animal to support the livestock disease diagnostic service (reported by Committee on Agriculture and Horticulture):

MAJORITY recommendation: Do pass with the following amendments

On page 1, section 1, line 8, after "levied" and before "upon" insert "for a period of two years on and after the effective date of this amendatory act."

On page 1, section 1, line 13, add a new paragraph to read as follows:

"The director may after this amendatory act has been in effect for one year, subsequent to a public hearing reduce such assessment if the funds derived therefrom exceed the sums necessary to carry out the purposes of this chapter. Such reduction if prescribed shall apply uniformly to all meat food animals as defined herein."

On page 1, section 2, line 17, after "account," strike the remainder of the paragraph and insert "All the assessments collected shall be retained by the director and paid to Washington State University to be deposited in a revolving fund for use only in carrying out the purposes of this chapter in accord with contracted provisions for livestock diagnostic programs as entered into by Washington State University and the director."

Signed by: Senators Jolly, Chairman; Canfield, Day, Donohue, Huntley, Matson, Wilson.

The bill was read the second time by sections.

On motion of Senator Jolly, the committee amendments to page 1 section 1 lines 8 and 13 were adopted.

Debate ensued.

## MOTION

On motion of Senator Talley, Senate Bill No. 135 and the committee amendment to page 1, section 2, line 17 was ordered held for the second reading calendar on Monday February 22, 1971

HOUSE BILL NO. 27, by Representatives Chatalas, Wolf and Kilbury (by State Treasurer request)

Increasing the state treasurer's faithful performance bond.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, House Bill No. 27 was advanced to third read, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 27, and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Fleming, Foley, Francis, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sanderson, Scott, Stortum, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—39

Excused: Senators Day, Durkan, Ellicker, Gardner, Gissberg, Keefe, Matson, Newschwander, Stender, Twigg—10

HOUSE BILL NO. 27, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 28, by Representatives Chatalas, Wolf and Kilbury (by State Treasurer request):

Placing assistant and deputy state treasurers under state's blanket performance bond.  
The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended. House Bill No. 28 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 28, and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Fleming, Foley, Francis, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Wheelzel, Wilson, Woodall—39.

Excused: Senators Day, Durkan, Eacker, Gardner, Gissberg, Keefe, Matson, Newschwander, Stender, Twigg—10.

HOUSE BILL NO. 28, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 29, by Representatives Chatalas, Wolf, Kilbury and King (by State Treasurer request):

Allowing investment of state treasury surplus moneys in certain government sponsored corporations.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended. House Bill No. 29 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 29, and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Fleming, Foley, Francis, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Wheelzel, Wilson, Woodall—39.

Excused: Senators Day, Durkan, Eacker, Gardner, Gissberg, Keefe, Matson, Newschwander, Stender, Twigg—10.

HOUSE BILL NO. 29, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 30, by Representatives Chatalas and Wolf (by State Treasurer request):

Changing from monthly to annually the frequency for distribution of overload fines to counties, cities and towns.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, House Bill No. 30 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 30, and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting ye: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Fleming, Foley, Francis, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (led), Ridder, Sandison, Scott, Stortum, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Excused: Senators Day, Durkan, Ellicker, Gardner, Gissberg, Keefe, Matson, Newschwander, Stender, Twigg—10.

HOUSE BILL NO. 30, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

It was moved by Senator Holman that the appointment of F. Bruce Johnson to the position of chairman of the Board of Prison Terms and Paroles be now confirmed.

The motion carried.

#### APPOINTMENT OF F. BRUCE JOHNSON

The Secretary called the roll and the appointment of F. Bruce Johnson to the position of chairman of the Board of Prison Terms and Paroles was confirmed by the Senate by the following vote: Yeas, 39; excused, 10.

Voting ye: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Fleming, Foley, Francis, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (led), Ridder, Sandison, Scott, Stortum, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Excused: Senators Day, Durkan, Ellicker, Gardner, Gissberg, Keefe, Matson, Newschwander, Stender, Twigg—10.

There being no objection, the Senate returned to the sixth order of business.

#### MOTIONS

On motion of Senator Whetzel, the Committee on Education was relieved of further consideration of Senate Joint Resolution No. 34.

On motion of Senator Whetzel, Senate Joint Resolution No. 34 was referred to the Committee on Higher Education and Libraries.

At 1:00 p.m. on motion of Senator Greive, the Senate adjourned until 12:00 noon, Monday, February 22, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia Wash., Monday, February 22, 1971.

The Senate was called to order at 12:00 noon by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Gissberg, Huntley and Keefe. On motion of Senator Knoblauch, Senators Gissberg and Keefe were excused. On motion of Senator McDougal, Senators Huntley and Peterson (Ted) were excused.

The Color Guard, consisting of Pages Sheryl Lauback, Color Bearer, and Scott Maer presented the Colors. Reverend Glen D. Cole, pastor of First Assembly of God Church of Olympia, offered prayer as follows:

"Our Heavenly Father, we give You thanks for giving us another week to do our work. We ask You to bless us and to give us that insight and that greatness of spirit by which we can stand up to life's burdens and needs. We thank You for the greatness and the wonder of Jesus. How glorious He is! How He understands us, how He identifies with us! Nothing in this life is so complicated that we cannot solve it in His name.

"We give You thanks that You have created us men with freedom of choice. We are free to destroy ourselves or to create ourselves. We can be weak or we can be strong. We can be defeated or we can be victorious. Help us to know always that we do not have to depend upon our own meager strength, but that You, eternal and everlasting God, and Your Son Jesus Christ are ever present to support and to sustain. With all our hearts we pray, give us Your strength, Your wisdom, Your power for the work of this day. Grant these Senators the awareness of Divine help as they toil over the issues of this session. May the personal touch that Jesus gave to the Gospel be a source of real strength, we pray in His name. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

REPORT OF STANDING COMMITTEE

February 20, 1971.

HONORABLE JOHN CHERBERG  
PRESIDENT OF THE SENATE  
LEGISLATIVE BUILDING  
OLYMPIA, WASHINGTON 98501

MR. PRESIDENT,

The Senate Committee on Revenue and Taxation has referred the following bills to the full Committee on Ways and Means:

\*SENATE BILL NO. 37: Real property, segregation, tax payment

\*SENATE BILL NO. 424: County, property revaluation.

SENATE BILL NO. 515: Nursery stock, property tax.

Sincerely,  
HUBERT F. DONOHUE

\*with amendments

MESSAGES FROM THE HOUSE

February 20, 1971.

Mr. President: The Speaker has signed  
HOUSE BILL NO. 99,  
HOUSE CONCURRENT RESOLUTION NO. 16,  
and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

February 20, 1971  
Mr. President: The House has passed Engrossed Senate Bill No. 8, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.



February 20, 1971.

Mr. President: The House has passed:  
ENGROSSED HOUSE BILL NO. 54,  
ENGROSSED HOUSE BILL NO. 56,  
HOUSE BILL NO. 61,  
ENGROSSED HOUSE BILL NO. 82,  
ENGROSSED HOUSE BILL NO. 86,  
HOUSE BILL NO. 188,  
ENGROSSED HOUSE BILL NO. 204,  
HOUSE BILL NO. 227,  
HOUSE BILL NO. 233,  
ENGROSSED HOUSE BILL NO. 298,  
ENGROSSED HOUSE BILL NO. 300,  
ENGROSSED HOUSE BILL NO. 372,  
HOUSE BILL NO. 558,

and the same are herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

February 20, 1971

Mr. President: The House has passed  
ENGROSSED HOUSE BILL NO. 50,  
ENGROSSED HOUSE BILL NO. 140,  
HOUSE BILL NO. 209,  
ENGROSSED HOUSE BILL NO. 221,  
ENGROSSED HOUSE BILL NO. 224,  
ENGROSSED HOUSE BILL NO. 226,  
ENGROSSED HOUSE BILL NO. 229,  
HOUSE BILL NO. 250,  
HOUSE BILL NO. 252,  
HOUSE BILL NO. 312,  
HOUSE BILL NO. 397,  
ENGROSSED HOUSE BILL NO. 427,  
HOUSE BILL NO. 621,  
HOUSE JOINT MEMORIAL NO. 3,

and the same are herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

#### MOTION

At 12:10 p.m., on motion of Senator Greive, the Senate recessed until 12:30 p.m.

#### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 12:30 p.m.

#### MOTION

At 12:35 p.m., on motion of Senator Greive, the Senate recessed until 2:00 p.m.

#### SECOND AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 2:00 p.m.

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 50, by Representative Jastad:  
Renaming the Mayfield Lake State Park as the Ike Kinswa State Park.

#### MOTION

On motion of Senator Peterson (Lowell), Engrossed House Bill No. 50 was referred to the Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

ENGROSSED HOUSE BILL NO. 54, by Representatives Beck, Berentson and Wanamaker (by departmental request)

Providing for reciprocal or proportional registration of vehicles  
Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO 56, by Representatives Beck, Wanamaker and Wolf (by departmental request).

Providing certain changes in the tax on motor vehicle fuel  
Referred to Committee on Ways and Means—Revenue and Taxation

HOUSE BILL NO. 61, by Representatives Brown, Ceccarelli and Goldsworthy  
Exempting from inheritance tax any annuity payments under the federal military retirement act

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 82, by Representatives Moon, Newhouse, Bledsoe and Bentz (by Legislative Council request)

Removing the tax exemption on steam plants owned or operated by joint operating agencies and requiring existing facilities to negotiate amounts due.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 86, by Representatives Zimmerman, Brouillet and Hoggins (by Joint Committee on Education request)

Reorganizing powers, duties and functions within intermediate school districts.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO 140, by Representatives Shupock Lynch, Grant, Maxie, Charnley, Bauer, Knowles, Litchman and Merrill.

Prohibiting cancellation of insurance because of sex and/or marital status.

Referred to Committee on Commerce and Regulatory Agencies.

HOUSE BILL NO 188, by Representatives Juhn and Wojahn (by Judicial Council request):

Relating to district courts

Referred to Judiciary Committee

ENGROSSED HOUSE BILL NO 204, by Representatives Martinis, Juhn, Adams, Wanamaker, Williams, Hoggins, Luders and Mentor

Providing for the removal of wood fiber debris from state tidal waters.

Referred to Committee on Natural Resources, Fisheries and Game.

HOUSE BILL NO 209, by Representatives Kopet, Backstrom, Chatalas and Hoggins (by Legislative Budget Committee request):

Fiscal agencies, technical change

Referred to Committee on State Government

ENGROSSED HOUSE BILL NO. 221, by Representatives Bluechel, Williams and Cunningham (by Secretary of State request).

Creating a secretary of state's revolving fund

Referred to Committee on State Government

ENGROSSED HOUSE BILL NO 224, by Representatives Bluechel, Perry and Cunningham (by Secretary of State request):

Amending the copyright act

Referred to Judiciary Committee

ENGROSSED HOUSE BILL NO 226, by Representatives Blueche, Knowles and Kraabel (by Secretary of State request):

Revising uniform commercial code fees for search and copy requests.

Referred to Judiciary Committee

HOUSE BILL NO 227, by Representatives Bluechel, Spanton and Hoggins (by Secretary of State request).

Revising summons and complaint fees for nonresidents.  
Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO 229, by Representatives Copeland, Bottiger and Hurley (by departmental request):

Amending various items concerning public service companies.  
Referred to Committee on Commerce and Regulatory Agencies.

HOUSE BILL NO 233, by Representatives Bottiger Hubbard and Charette:  
Providing that a lawyers' code of ethics shall be adopted by the supreme court.  
Referred to Judiciary Committee.

HOUSE BILL NO 250, by Representatives Morrison, Smythe and Spanton (by Superintendent of Public Instruction request):

Permitting school directors to petition for annexation of school property to city or town  
Referred to Committee on Cities, Towns and Counties.

HOUSE BILL NO 252, by Representatives Thompson, Smythe and Martinis:  
Providing for a filing fee for affidavits claiming exemptions from the real estate excise tax

Referred to Committee on Ways and Means—Revenue and Taxation

ENGROSSED HOUSE BILL NO 298, by Representatives Wanamaker, Douthwaite, Cunningham, Conway and Hoggins (by departmental request)

Providing for tire standards.  
Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO 300, by Representatives Randall, Gallagher and Litchman (by Joint Committee on Governmental Cooperation request)

Relating to right of entry by department of natural resources employees.  
Referred to Committee on Natural Resources, Fisheries and Game.

HOUSE BILL NO 312 by Representatives Zimmerman, Conner, Wolf, Cunningham and King (by departmental request)

Changing the composition of the youth development and conservation committee and removing reenrollment limitation for youths.  
Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO. 372, by Representatives Brown, Copeland, Conner, Grant, Bair and Chataas (by Secretary of State request)

Revising election laws relating to registration records.  
Referred to Committee on Constitution, Elections and Legislative Processes.

HOUSE BILL NO 397, by Representatives Spanton, Beck, Cunningham and Bauer (by departmental request)

Authorizing highway district engineer to award small construction and maintenance contracts.  
Referred to Committee on Transportation

ENGROSSED HOUSE BILL NO 427, by Representatives Brown, Grant, Smythe and Charney (by Secretary of State request)

Reducing minimum vote needed for write-in nomination as party candidate  
Referred to Committee on Constitution, Elections and Legislative Processes.

HOUSE BILL NO 558, by Representatives Hubbard, Haussler and Bozarth:  
Extending the definition of "public warehouse" to include open air enclosures adjacent to a warehouse building.

Referred to Committee on Agriculture and Horticulture.

HOUSE BILL NO 621, by Representatives Flanagan, Bledsoe, Haussler, Bozarth and Bauer

Providing that interest earned from funds of the department of agriculture shall be credited to the department of agriculture.

Referred to Committee on Agriculture and Horticulture.

HOUSE JOINT MEMORIAL NO 3, by Representatives Hansey, May, Van Dyk, Costanti, Pardini, Berenson, North, Moon, Backstrom, Cunningham, Kibury and Knowles  
Memorializing Congress to have reflectors placed on the sides of rail cars.

Referred to Committee on Transportation.

#### SIGNED BY THE PRESIDENT

The President signed

SENATE BILL NO. 8,

HOUSE BILL NO. 99,

HOUSE CONCURRENT RESOLUTION NO 16.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having given prior notice, Senator McDougall moved that the Senate do now reconsider the vote by which Engrossed Senate Bill No 363 failed to pass the Senate.

Debate ensued

#### POINT OF INQUIRY

Senator Mardesich: "Mr. President, I wonder if I might ask a question of Senator Murray. Senator Murray, I have no argument with what you are basically trying to do with respect to the fees but I do have a question as to two portions of this measure.

"First of all, on page 3 of this new measure that has been put on our desks, on lines 8 and 9 you have stricken that part that relates to the condemnor, the state or a public agency. You struck from the law that portion which would allow attorney's fees to be given if the condemnor, in other words the state or an agency thereof, has shown bad faith in its dealings with condemnees.

"Now I know of a situation in Everett where the state highway department came up and attempted to pick up a piece of property belonging to a rather elderly woman and made her an offer for her home and told her that if she did not accept they were going to condemn the property and they gave her whatever the time allowed was. So this woman in fear of her property being taken anyway merely settled and accepted the offer. This is an actual case on record in Everett. Then what happened is that it came to the notice of some people, friends of hers, as to what had happened and she went to an attorney. It turned out that the house was in fact not worth the seven or so thousand dollars offered to the woman but in fact and according to the appraisal record in the department's own file, the house was worth approximately eighteen thousand dollars. Now why, in an action to set aside, shouldn't this woman get attorney's fees?"

Senator Murray: "She would. There is no question about it, providing she takes that case to court. Now first, this is a factor that applies only if the case has been taken to court."

Senator Mardesich: "She did not get attorney's fees because the action was not in condemnation. The action was to set aside for fraud."

Senator Murray: "I am afraid I cannot argue the legal standpoint of it. The provision that we have here is a case of a condemnation proceeding that has gone to court. If there has been bad faith involved then the bad faith that would really count would be in the matter of the ten percent difference in the appraisal fee. So that if, in court, there is a difference in excess of ten percent, then they get the attorney's fees and there is no question about it. One of the problems and the reason for striking this within the amendment is the fact that it has been used as the only available excuse for allowing attorney's fees. Now there is no right on the part of the condemnor to have the same consideration."

#### POINT OF INQUIRY

Senator Mardesich: "I wonder if before we vote on the motion the sponsors would again yield to a question. With leave of the Senate, this motion could be in order at a later time during the day or even at another time. Would you consent to a holding of this to clarify those questions I have raised or will you insist on a reconsideration at this time?"

Senator McDougall: "Senator Mardesich, as long as I have the opportunity to reconsider this and that it is not going to jeopardize that particular position, I have no objections to holding it over until we can get the answers to the questions which you pose."

#### MOTION

Senator Mardesich moved that the motion for reconsideration by Senator McDougall be held for Tuesday, February 23, 1971

Debate ensued

#### POINT OF ORDER

Senator Greive: "I assume that it would take a two-thirds vote to hold it, the rules say that a motion to reconsider in rule 31 would consider in the order of motions on the following day and to vary that rule, as I understand it, would take some two-thirds vote."

#### PRESIDENT PRO TEMPORE RULING

President Pro Tempore Henry: "I had unanimous consent, Senator, I said 'with the consent of the Senate' and nobody objected."

#### REMARKS BY SENATOR GREIVE

Senator Greive: "I would object to that. I would demand a roll call vote on it if we are going to get down to that."

#### POINT OF ORDER

Senator Woodall: "I think the point of order is that the motion must be made on the next working day. That has been done. Now I think a motion to continue consideration of it can be done by a simple majority. There is nothing in the rule that says you have to complete the action on that day. The rule does say he has to give notice on the next working day."

#### PRESIDENT PRO TEMPORE RULING

President Pro Tempore Henry: "The President ruling on the point of order rules that Senator Woodall's point is well taken. You will recall the precedent in the twenty-five percent property tax motion to reconsider where we held it last session I think it was for about three or four days after the motion had originally been made."

#### PARLIAMENTARY INQUIRY

Senator McDougall: "Then as I interpret your ruling, it would only take a majority then to bring this matter back up to reconsider tomorrow."

#### PRESIDENT PRO TEMPORE RULING

President Pro Tempore Henry: "That is correct."

#### REMARKS BY SENATOR GREIVE

Senator Greive: "Mr. President, I would like to call your attention to the rule. Such motion to reconsider shall be in order only, notice the word 'only', under the order of motions of the day immediately following upon which such notice and so on I think that your ruling is in error but I do not care. As far as I am concerned let it go but realistically if a person could merely make a motion to reconsider and then continue along, he would never come to a conclusion."

#### PRESIDENT PRO TEMPORE RULING

President Pro Tempore Henry: "Senator Greive, I really do not care either. My purpose as the presiding officer is to expedite business. The motion was properly made on the following day and if the President does not choose to put that motion until the day following, then I think it is the President's prerogative, any rules notwithstanding."

The motion by Senator Mardesich carried and the motion for reconsideration by Senator McDougall was held for Tuesday, February 23, 1971.

PERSONAL PRIVILEGE

Senator Metcalf: "Mr. President, I would like to remind the members of the candlelight service at eight o'clock tonight in the rotunda in honor of or in support of the prisoners of war I wanted to just bring to your attention that it will be held. It will be short and simple and any of you that are free and would care to attend, I think it would be very much in order."

On motion of Senator Guess, the following resolution was adopted:

SENATE RESOLUTION: 1971-17

By Senators Guess, Donohue and Huntley

WHEREAS, The Army Corps of Engineers reports that current funding allocated for the Lower Granite Dam, on the Snake River, in Washington State will be exhausted within thirty days and, further, that an additional nine to ten million dollars would be required to continue the construction program until appropriated funds become available after July 1, 1971, and

WHEREAS, The Army Corps of Engineers has already given notice of discontinuance to the contractor, and

WHEREAS, A discontinuance of work on the Lower Granite Dam at this time would result in the loss of twelve hundred jobs, which would aggravate an already depressed Washington State economy; and

WHEREAS, A discontinuance of construction until July 1, 1971, would cause a delay of one year in bringing on line the power generated by the dam, thus aggravating the existing power shortage in the Pacific Northwest;

NOW, THEREFORE, BE IT RESOLVED, By the Senate in legislative session assembled, that the President propose and support and the Congress enact legislation appropriating the necessary nine to ten million dollars to fund the Lower Granite Dam project until the fiscal 1972 funds become available.

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

Senator Lewis moved adoption of the following resolution:

SENATE RESOLUTION: 1971-18

By Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Twigg, Whetzel and Woodal:

WHEREAS, The Young Democrats of the State of Washington, in convention assembled at Bremerton, Washington on Saturday, February 20, resolved to recommend legalization of the sale of marijuana, and

WHEREAS, The Federal Controlled Substances Act lists marijuana as a hallucinogenic substance with a high degree of abuse and no accepted medical use, and

WHEREAS, The legislature, in imposing penal sanctions for possession and use of marijuana recognizes the threat that the use of marijuana poses to the health of the youth and welfare of the state,

NOW, THEREFORE, BE IT RESOLVED, By the Senate in legislative session assembled that the Senate condemn the action of the Young Democrats of Washington in promoting legalization of possession and use of this dangerous drug which is so appealing to that element of our society who find it so easy to avoid facing reality

Debate ensued

REMARKS BY SENATOR DURKAN

Senator Durkan: "Mr. President, I am touched by the respect that Senator Lewis has just stated in wanting to help me. I am somewhat suspicious too. As long as we have served together, the good Senator from Thurston County has displayed such partisan politics that rarely has it ever been that he has come across the aisle in good faith to help Democrats. But be so as it may

"Friday we saw an expression of the young men and women of the state, Democrats if you will, people that I incidentally am proud to be associated with, who disagree with their elders in the fact that they believe that marijuana should be legalized. Now I do not happen

to be one of those people who agrees with them. At the same time, they did not pass a resolution saying that alcohol should be outlawed but I would agree on that. More people are killed every day by the consumption of alcoholic beverages in this state than there are by the smoking of marijuana. And those of us who are worrying about the actions of a group of young men and women who are trying to operate within the system should remember that. Now I say that we have a right to disagree with them but we should not in a star chamber proceedings in the Washington State Senate condemn them. They are operating within the system. They were in a school gymnasium trying to do what they think is right. They were not on the streets or on the campuses throwing rocks and bricks. We should remember that. If you want to keep these young men and women within the system, the way to do it is not by standing here in the Washington State Senate and condemning them. The way to do it is to show them that we also have some wisdom on our side. I would hope that all of us would think twice before we here, as I say in a star chamber proceedings, condemn it. It is our right and our duty to disagree. But let us give them the same right. Let them have the right to disagree with us. I do not think it is too much to ask. I would hope that this committee and this Senate would send this resolution to committee where it belongs, have a hearing on it and let them come down and discuss it."

#### POINT OF ORDER

Senator Greive "There are amendments on the desk, are there not? If there is an amendment on the desk I think you have to read it section by section and subject it to amendment."

#### PRESIDENT PRO TEMPORE RULING

President Pro Tempore Henry, "Your point is well taken. There is an amendment to the resolution."

Senator Walgren moved adoption of the following amendment by Senators Walgren and Donohue.

On page 1, amend the first paragraph to read as follows:

"Whereas Governor Evans' Commission on Youth, the Young Republican Club of the University of Washington and the Young Democrats of the State of Washington have recommended legalization of the sale of marijuana, and "

Debate ensued

#### MOTION

Senator Greive moved that Senate Resolution 1971-18 be referred to the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

Senator Andersen demanded a roll call and the demand was sustained by Senators Lewis, Bailey, Herr, Sandison, Talley, Atwood, Day, Donohue and Greive.

Debate ensued

Senators Peterson (Lowell), Sandison and Francis demanded the previous question and the demand was sustained.

President Pro Tempore Henry declared the question before the Senate to be the motion by Senator Greive to refer Senate Resolution 1971-18 to the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

#### ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 28; nays, 19; excused, 2.

Voting yea: Senators Bailey, Canfield, Connor, Cooney, Day, Donohue, Durkan, Fleming, Foley, Francis, Gardner, Greive, Henry, Herr, Jolly, Keefe, McCutcheon, Murray, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Siender, Talley, Walgren, Washington, Wilson--28

Voting nay: Senators Andersen, Atwood, Clarke, Dore, Elcker, Guess, Holman, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Peterson (Ted), Stortum, Twigg, Whetzel, Woodall--19

Excused: Senators Gissberg, Huntley--2.

Senate Resolution 1971-18 was referred to the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

## NOTICE OF INTENT TO FILE PROTESTS

Senator Greive served notice that he would submit a statement for the Journal regarding Senate Resolution 1971-18.

Senator Andersen served notice that he would submit a statement for the Journal regarding Senate Resolution 1971-18

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 13, by Senators Greive, Bailey and Lewis:

Adopting the joint rules of the forty second session of the legislature

The Senate resumed consideration of Senate Concurrent Resolution No. 13 and the pending amendment by Senator Holman to Rule 9.

Senators Holman, Woodall and Guess demanded a Call of the Senate.

A Call of the Senate was ordered

## CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber

The Secretary called the roll on the Call of the Senate, all members being present except Senators Gissberg and Huntley who had previously been excused

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

Debate ensued

## POINT OF INQUIRY

Senator Dore: 'Will Senator Holman yield to a question? Senator, I am interested in your motion and your remarks but I am a little confused as to the mechanics of how it would operate.

"Assuming, it is a budget bill, we have many blanket figures and statements covering a multitude of functions. For instance, the reappraisal program, funds for mandatory busing and so on that we in the committees do not know are in these bills until they actually come before the conference committee. So assume a fact that an item that neither the Democrats in either side of the chamber realizes is in the bill so we foolishly vote for the bill. It is voted for in the House and is voted for in the Senate but we do not agree on the total figure so it goes to conference. Then we come to the situation of finding this item is in the budget. In effect under your rule one house would have a veto on a matter that was never properly even considered or before the other house. So what would be the mechanics of that?"

Senator Holman: "Senator Dore, I thought I had made this clear to you last week but I will explain it again. This is not intended to have any effect upon the conferees of the other house. It simply says, and I will repeat it to you, 'committee members of either house,' that is one or the other, shall not be empowered except by authority granted by such house," that is us, 'to adopt any position thereto for rejected by this house,' and what I am saying there is that if in our debate here on the budget we have specifically rejected some item, then our conferees are not empowered to agree to the inclusion of that item without reporting back here and getting a further authority. That is all it means. It has only to do with our own conferees and if these joint rules are adopted the House will have a like say so over their conferees. That is all it means."

## MOTION

Senator Greive moved that the amendment by Senator Holman be laid upon the table

Senator Holman demanded a roll call and the demand was sustained by Senators Newschwander, Washington, Whetzel, Canfield, Woodall, Atwood, McDougall and Matson

## ROLL CALL

The Secretary called the roll and the amendment by Senator Holman was laid upon the table by the following vote. Yeas, 30; nays, 17, excused, 2.

Voting yeas, Senators Atwood, Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis.



McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson—30.

Voting nay Senators Andersen, Canfield, Clarke, Flicker, Guess, Holman, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Twigg, Whetzel, Woodall—17.

Excused Senators Gissberg, Huntley—2.

#### QUESTION OF CONSIDERATION

Senator Mardesich: "Mr. President, I would like to raise the question of consideration on the amendment proposed by Senator Holman."

#### POINT OF ORDER

Senator Woodall: "Consideration only applies to the main question, not to subsidiary motions or amendments."

#### PRESIDENT PRO TEMPORE RULING

President Pro Tempore Henry: "Ruling on the point of order, rule 68, when the question of consideration has been raised as to any motion, resolution or amendment, it shall not be put until the said motion, resolution or amendment has been read. The Secretary has not completed reading the amendment."

Senator Holman demanded a roll call on the question of consideration and the demand was sustained by Senators Atwood, Metcalf, Newschwander, Knoblauch, Woodall, Scott, Andersen, Peterson (Lowell), Peterson (Ted) and Whetzel.

#### POINT OF ORDER

Senator Bailey: "To make it a little more confusing, we are not reconsidering, we are raising the question of whether we are going to consider or not."

#### PRESIDENT PRO TEMPORE RULING

President Pro Tempore Henry: "Rule 68 I think covers that. The question of the consideration shall be carried by a majority vote of those present. The President will rule that a vote 'aye' will be to consider the amendment and a vote 'no' is to not consider it."

President Pro Tempore Henry declared the question before the Senate to be the question of consideration by Senator Mardesich of the amendment by Senator Holman.

#### ROLL CALL

The Secretary called the roll on the question of consideration and the Senate voted to consider the amendment by Senator Holman by the following vote: Yeas, 27, nays, 20, excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Day, Flicker, Foley, Greve, Guess, Holman, Lewis, McCutcheon, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Talley, Twigg, Washington, Whetzel, Wilson, Woodall—27.

Voting nay: Senators Connor, Conney, Donohue, Dora, Durkan, Fleming, Francis, Gardner, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Walgren—20.

Excused Senators Gissberg, Huntley—2.

Senator Holman moved adoption of the following amendment:

Amend Senate Concurrent Resolution No. 13 by adopting as Joint Rule 12 in lieu of Joint Rule 12 of the 41st Legislative session, the following:

"Rule 12. The report of a conference or free conference committee may be adopted by acclamation, but concurrence in the bill as amended shall be by roll call and the ayes and nays entered on the journals of the respective houses. The report must be voted upon in its entirety and cannot be amended[.] PROVIDED, HOWEVER, that in the event the report contains new matter not theretofore considered by one of the houses, such matter may,

*upon motion of any member thereof, be voted upon separately by such house, and if such house shall reject such new matter, its conferees shall be so advised and instructed to reconfer with the conferees of the other house to secure the elimination of such new matter."*

Debate ensued.

# MOTION

Senator Bailey moved that the amendment by Senator Holman be laid upon the table. Senator Holman demanded a roll call and the demand was sustained by Senators Metcalf, Elicker, Peterson (Ted), Stender, Canfield, Newschwander, Clarke, Washington, Matson and Atwood.

# ROLL CALL

The Secretary called the roll and the amendment by Senator Holman was laid upon the table by the following vote: Yeas, 28; nays, 19; excused, 2.

Voting yea: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odgaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson—28.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess, Holman, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Twigg, Whetzel, Woodall—19.

Excused: Senators Gissberg, Huntley—2.

On motion of Senator Bailey, the following amendment by Senators Bailey, Wilson and Washington was adopted:

On page 1, line 12, after "returned" and before the semicolon insert "together with a summary of additions, changes and deletions made by the free conference committee with a reference in each instance to the page and line number or numbers in the report containing said additions, changes or deletions."

On motion of Senator Greive, the following amendment was adopted:

Amend amendment to Joint Rule 2, Part Seven, line 3, after "work" and before "on" strike "or the result thereof."

Senator Andersen moved adoption of the following amendment by Senators Andersen and Atwood:

Add to the Code of Ethics a new Joint Rule "(c)(3)" to read:

"No attorney legislator shall practice before any agency or department of the state of Washington."

Debate ensued.

# POINT OF INQUIRY

Senator Woodall: "I would like Senator Atwood to yield if he would. Senator, when you probate an estate, you have to file with the state of Washington an income tax return. Now is this going to run me out of the probate business?"

Senator Atwood: "No, it is not, Senator. Only if you have a contested matter before the department of revenue, their board of tax appeals. Then you would be practicing before the state agency but the determination of what is practice, if you will look at it, says 'shall not practice before any agency'."

# MOTION

Senator Donohue moved that the amendment by Senators Andersen and Atwood be laid upon the table.

Senator McDougall demanded a roll call and the demand was sustained by Senators Atwood, Andersen, Bailey, Canfield, Dore, Metcalf, Newschwander, Scott and Wilson.

# ROLL CALL

The Secretary called the roll and the amendment by Senators Andersen and Atwood was laid upon the table by the following vote: Yeas, 29; nays, 18; excused, 2.

Voting yea Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Wilson, Woodall—29.

Voting nay Senators Andersen, Atwood, Canfield, Clarke, Elicker, Holman, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Twigg, Washington, Whetzel—18.

Excused: Senators Gissberg, Huntley—2.

On motion of Senator Metcalf, the following amendment was adopted:

Amend Senate Concurrent Resolution No. 13 by adopting as Joint Rule 8 in lieu of Joint Rule 8 of the 41st Legislative session, the following:

"Rule 8. The presiding officer of each house shall appoint on such conference committee three members, selecting them so as to represent, in each case, the attitude of the majority and minority upon [the subject of the legislation referred to the conference committee] the differences between the houses."

On motion of Senator Greive, the rules were suspended, Engrossed Senate Concurrent Resolution No. 13 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

Senator Holman demanded a roll call on the final passage of Engrossed Senate Concurrent Resolution No. 13 and the demand was sustained by Senators Sandison, Woodall, Greive, Metcalf, Stender, Bailey, Talley, Knoblauch and Peterson (Ted).

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 13, and the resolution passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Voting nay Senators Elicker, Holman, Murray, Newschwander—4.

Excused: Senators Gissberg, Huntley—2.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 13, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Talley, Senate Bill No. 149 was ordered to hold its place on the second reading calendar for Tuesday, February 23, 1971.

SENATE BILL NO. 102, by Senators Stender, Talley, Connor and Whetzel (by Legislative Council request):

Providing for reduction in the number of fire commissioners in a merged fire protection district.

The bill was read the second time by sections.

On motion of Senator Stender, the rules were suspended, Senate Bill No. 102 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 102, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess,

Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Waigren, Washington, Whetzel, Wilson, Woodall-47.

Excused: Senators Gissberg, Huntley-2

SENATE BILL NO. 102, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 32, by Senators Francis and Stender

Allowing a divorced mother to bring an action for injury or death of her minor child.

# REPORT OF STANDING COMMITTEE

February 10, 1971.

SENATE BILL NO. 32, allowing a divorced mother to bring an action for injury or death of her minor child (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment

In section 1, line 14, after "support" and before the period insert ' *but only one action shall be maintained* '

Signed by: Senators Gissberg, Chairman, Dore, Vice Chairman, Andersen, Clarke, Francis, Holman, Twigg, Waigren, Woodall

The bill was read the second time by sections.

On motion of Senator Durkan, the committee amendment was adopted

Senator Stender moved adoption of the following amendment by Senators Stender and Twigg

On page 1, section 2, line 21, insert as section 2:

"NEW SECTION. Sec. 2. Notwithstanding any other provisions of the law, the personal representative of any decedent may maintain an action as plaintiff for death of any such person upon whom no one is dependent for support for loss of earning capacity, if any, to the extent of the amount by which the unsecured creditors' claims approved and allowed in the administration of such decedent's estate "

Debate ensued

On motion of Senator Holman, the following amendment to the amendment by Senators Stender and Twigg was adopted

Amend line 5 of the amendment as follows

After "amount" strike "by which" and insert "of"

The amendment by Senators Stender and Twigg as amended was adopted

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 32 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

Debate ensued

## MOTION

On motion of Senator Woodall, the Senate dispensed with the Call of the Senate

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 32, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2

Voting yeas: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greve, Gless, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Waigren, Washington, Whetzel, Wilson, Woodall-46.

Voting nays: Senator Clarke-1.

Excused: Senators Gissberg, Huntley-2

ENGROSSED SENATE BILL NO. 32, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 135, by Senators Wilson, Canfield and Donohue.

Providing an assessment on each meat food animal to support the livestock disease diagnostic service

The Senate resumed consideration of Senate Bill No. 135 on second reading. The committee amendments to page 1, section 1 lines 8 and 13 were adopted February 20, 1971.

On motion of Senator Jolly, the committee amendment to page 1, section 2, line 17 was adopted.

Senator Woodall moved adoption of the following amendment.

On page 1, section 1, line 11, before "for" insert "with the exception of sheep and swine which shall be assessed at two cents per individual animal."

Debate ensued.

The motion lost and the amendment was not adopted.

On motion of Senator Wilson, the rules were suspended, Engrossed Senate Bill No. 135 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Canfield: "Will Senator Wilson yield? Senator, you will notice there is an amendment that limits this to a two-year period. Is that correct?"

Senator Wilson: "Yes, Senator."

Senator Canfield: "So when this comes up again in two years I would like for the Senate to keep that in mind to see if this becomes another perpetual assessment."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 135, and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; excused, 2.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Greive, Gless, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Radder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson—39.

Voting nay: Senators Atwood, Durkan, Ebcker, Francis, Gardner, Holman, Talley, Woodall—8.

Excused: Senators Gissberg, Huntley—2.

ENGROSSED SENATE BILL NO. 135 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:10 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Tuesday, February 23, 1971.

JOHN A. CHERBERG, President of the Senate  
SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-FOURTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, February 23, 1971

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Gissberg. On motion of Senator Keefe, Senator Gissberg was excused.

The Color Guard, consisting of Pages Ed Conzatti, Color Bearer, and Betty Lou Conyard, presented the Colors. Reverend Glenn D. Cole, pastor of First Assembly of God Church of Olympia, offered prayer as follows:

"Our Heavenly Father, we stand with bowed heads and humbled hearts before You today. We think of the many who are oppressed, and we are free. We think of the many who are hungry, and we are fed. We think of the many who are suffering from the ravages of war, and we are unmolested. We ask You to minister to this suffering multitude, but also to help us to be grateful for the freedom, the plenty, the opportunities that we take for granted from day to day. We realize that there are different kinds of life . . . life that wears out, that loses its power. Life that has the zest and delight drained from it.

"But Your Holy Word says, 'In Him was life; and the life was the light of men.' And Paul said, 'Take hold of the life which is life indeed.' Life that never loses its luster. Life never devoid of vitality. Our prayer today is, help us to have this kind of life. Life that will face the challenges, yes, even the problems of this legislative session with enthusiasm, vitality and with a sense of accomplishment. Make us glad that we are alive and able to serve God and our fellowmen another day. We thank You through Christ Jesus our Lord. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

February 22, 1971

ENGROSSED HOUSE BILL NO. 220, simplifying documentary requirements for foreign corporations requesting authority to do business in Washington (reported by Committee on State Government)

MAJORITY recommendation: Do pass

Signed by: Senators Walgren, Chairman; Atwood, Ellicker, Gardner, Henry, Jolly, Lewis.

Passed to Committee on Rules and Joint Rules for second reading.

February 22, 1971

ENGROSSED HOUSE BILL NO. 222, deleting the requirement that notice to a nonprofit corporation or association that it shall cease to exist shall be by certified mail (reported by Committee on State Government)

MAJORITY recommendation: Do pass

Signed by: Senators Walgren, Chairman; Atwood, Ellicker, Gardner, Henry, Jolly, Lewis.

Passed to Committee on Rules and Joint Rules for second reading.

February 22, 1971

ENGROSSED HOUSE BILL NO. 225, deleting the requirement that notice to a corporation (failing to pay the annual license fee shall be by certified mail) (reported by Committee on State Government)

MAJORITY recommendation: Do pass

Signed by: Senators Walgren, Chairman; Atwood, Ellicker, Gardner, Henry, Jolly, Lewis.

Passed to Committee on Rules and Joint Rules for second reading.

## MESSAGES FROM THE HOUSE

February 22, 1971

Mr. President: The Speaker has signed  
HOUSE BILL NO. 27,  
HOUSE BILL NO. 28,  
HOUSE BILL NO. 29,  
HOUSE BILL NO. 30,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

February 22, 1971

Mr. President: The House has passed:  
ENGROSSED HOUSE BILL NO. 78,  
ENGROSSED HOUSE BILL NO. 509.

and the same are herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 27,  
HOUSE BILL NO. 28,  
HOUSE BILL NO. 29,  
HOUSE BILL NO. 30

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 17, by Senators Bailey, Greive, Atwood and Andersen

Establishing rules for consideration of bills.

On motion of Senator Bailey, the rules were suspended, Senate Concurrent Resolution No. 17 was advanced to second reading and read the second time in full.

On motion of Senator Bailey the rules were suspended, Senate Concurrent Resolution No. 17 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## POINT OF INQUIRY

Senator Holman: "Will Senator Bailey yield? Senator, I meant to bring this up when this resolution was still on second reading but I was diverted."

"I am questioning line 4 which says the Senate will only consider House bills except appropriation and revenue bills. The way that reads literally is that we can consider House bills except House bills dealing with appropriation and revenue. What is meant, I believe, that we will consider House bills and those Senate bills which deal with appropriations and revenue. Isn't that correct?"

Senator Bailey: "I think that you are probably correct in your assumption and that this wording came out of previous resolutions. The purpose here is that we only consider, or that we cannot consider our own bills after this time except for revenue and appropriation bills."

Senator Holman: "I understand that but I do not think literally it says that and the fact that we just copied a previous mistake may be something we ought to correct."

Senator Bailey: "Senator Holman has a point and we will check it out."

## MOTION

On motion of Senator Bailey, Senate Concurrent Resolution No. 17 was made a special order of business for 12:00 noon today.

## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 78, by Representatives Biedsoe, Bottiger, Goldsworthy, and Litchman (by departmental request):

Providing for a new department of emergency services  
Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 509, by Representatives Biedsoe, Fanagan, Amen, Benitz, Morrison, Newhouse, Schumaker, Curtis, Hatfield, Lynch, Spanton, Wanamaker, Smith, Hansey, Goldsworthy, Haussler, Bozarth, Bauer and Van Dyk  
Providing for assessments by the Washington state beef commission.  
Referred to Committee on Agriculture and Horticulture

# MOTION FOR RECONSIDERATION

The Senate resumed consideration of the motion by Senator McDougall made on Monday, February 22, 1971 to reconsider the vote by which Engrossed Senate Bill No. 363 failed to pass the Senate.

Debate ensued

## POINT OF INQUIRY

Senator Holman: "Would Senator Murray yield to a question? Senator, my recollection is that one of the problems with the amendment which you offered and which bothered some of the other members was in section 2 to the middle of the page of the long amendment which allowed the attorney general or other attorney representing a condemnor in effecting a settlement of an eminent domain proceeding to allow the condemnee a reasonable attorney's fee.

"It was felt by some members, I did not share this view, but it was felt sincerely by some members that this was too wide a discretion to allow the attorney general or that other attorney representing a condemnor.

"It was my understanding from conversations that that could be clarified to say 'may, with the consent of the condemning agency' therefore leaving it to the attorney to go back to the highway commission if it is the highway or somebody else and make sure that whatever he was going to allow was satisfactory with them.

"I feel that this would be the practical effect anyway without that language but I wonder if this is reconsidered if it would be possible to return this to second reading to put an amendment on. Would you have any objection?"

Senator Murray: "I would like to repeat what I said several times. We have checked with the authorities that are actually handling it. It is implied from a practical standpoint that that would be a requirement. In other words, the attorneys that have this power are in effect, for instance in the highway department, actually the attorneys assigned to the highway department working for them and from a practical standpoint they make settlements only with the approval of the condemning agency.

"I have made a commitment to several attorneys that were concerned with this, that we will make this proposal in the House and let them add that if they find on checking that this is actually not the case and we should be more specific in it. I would prefer not to take the time of the body now at this time to take it back to second reading. I think we have that protection, it is built in from a practical standpoint."

## POINT OF INQUIRY

Senator Mardesich: "Would Senator Murray yield? I gather that your response to Senator Holman's question was no?"

Senator Murray: "That is right."

Senator Dore demanded a roll call and the demand was sustained by Senators Connor, McCutcheon, Washington, Francis Peterson (Ted), Peterson (Lowell), Bailey, Odegaard and Day.

## ROLL CALL ON RECONSIDERATION

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 33; nays, 14; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Conner, Day, Donohue, Ellicker, Francis, Gardner, Glass, Henry, Holman, Huntley, Jolly, Keele, Knoblauch, McDougall, Matson, Melcalf, Murray, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Washington, Whetzel, Wilson—33.

Voting nay: Senators Atwood, Cooney, Dore, Durkan, Fleming, Foley, Greive, Herr, Lewis, McCutcheon, Mardesich, Peterson (Lowell), Walgren, Woodall—14.

Absent or not voting: Senator Newschwander—1.

Excused: Senator Gissberg—1.



## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 363 on reconsideration, and the bill passed the Senate by the following vote Yeas, 29, nays, 17, absent or not voting, 2, excused, 1.

Voting yea Senators Andersen, Bailey, Canfield, Clarke, Connor, Donohue, Elicker, Gardner, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Matson, Metcalf, Murray, Odegaard, Peterson (Ted), Scott, Stender, Stortini, Talley, Twigg, Washington, Whetzel, Wilson—29.

Voting nay Senators Atwood, Cooney, Day, Dore, Durkan, Fleming, Foley, Francis, Greive, Herr, Lewis, McCutcheon, Mardesich, Peterson (Lowell), Ridder, Walgren, Woodall—17

Absent or not voting, Senators Newschwander, Sandison—2.

Excused: Senator Gissberg—1

ENGROSSED SENATE BILL NO 363, having received the constitutional majority, was declared passed There being no objection the title of the bill was ordered to stand as the title of the act

## MOTION

On motion of Senator McDougall, Senator Newschwander was excused

## SECOND READING

HOUSE BILL NO 245, by Representatives Bottiger, North, Smythe, Charnley and Mentor (by Secretary of State request)

Permitting election candidates name twice on ballots if one position be that for precinct committeeman

The bill was read the second time by sections

On motion of Senator Woodall, the rules were suspended, House Bill No 245 was advanced to third reading, the second reading considered the third and the bill was placed on final passage

Debate ensued

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No 245, and the bill passed the Senate by the following vote. Yeas, 48, excused, 1.

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Conner, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48

Excused: Senator Gissberg—1

HOUSE BILL NO 245, having received the constitutional majority, was declared passed There being no objection, the title of the bill was ordered to stand as the title of the act

SENATE BILL NO. 107, by Senator Wilson

Allowing Indian tribes to participate in public cooperative ventures

The bill was read the second time by sections

On motion of Senator Wilson, the rules were suspended, Senate Bill No 107 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 107, and the bill passed the Senate by the following vote: Yeas, 48, excused 1.

Voting yea Senators: Andersen, Atwood, Bailey, Canfield, Clarke, Conner, Cooney, Dav, Donohue, Dore, Durkan, Elcker, Fleming, Foley, Francis, Gardner, Greve, Gress, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Taley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48

Excused: Senator Gissberg—1.

SENATE BILL NO. 107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Day, Senate Bill No. 410 was ordered to hold its place on the second reading calendar for Thursday, February 25, 1971.

SPECIAL ORDER OF BUSINESS

SENATE CONCURRENT RESOLUTION NO. 17, by Senators Bailey, Greve, Atwood and Andersen.

Establishing rules for consideration of bills.

The time having arrived the Senate resumed consideration of Senate Concurrent Resolution No. 17 on third reading.

MOTIONS

On motion of Senator Bailey, the rules were suspended and Senate Concurrent Resolution No. 17 was returned to second reading.

On motion of Senator Mardesich, the following amendment by Senators Hobman, Francis and Mardesich was adopted:

Strike the first paragraph of the resolution and insert the following:

"BE IT RESOLVED, By the Senate, the House of Representatives concurring, that commencing at 4.00 p.m. on Wednesday, the third day of March, 1971 the fifty-second day of the regular session, except for appropriation and revenue bills, the Senate will only consider House bills, and the House will only consider Senate bills, and."

On motion of Senator Bailey, the rules were suspended, Engrossed Senate Concurrent Resolution No. 17 was advanced to third reading and the resolution was adopted.

MOTION

On motion of Senator Keefe, Senate Bill No. 100 was ordered to hold its place on the second reading calendar for Thursday, February 25, 1971.

SENATE BILL NO. 156, by Senators Gress, Donohue, McDougall and Peterson (Lowell).

Providing for the licensing and regulation of snowmobiles.

REPORT OF STANDING COMMITTEE

February 22, 1971

SENATE BILL NO. 156, providing for licensing and regulation of snowmobiles (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendments

On page 6, section 8, line 29, after "development" and before "of snowmobile" insert "or operation"

On page 8, section 13, beginning on line 29, after "any other" strike "game or game animal" and insert "wildlife"

On page 9 section 15, line 17, after "development" and before the comma insert "or operation"

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, Knoblauch, McDougal, Newschwander, Stortini, Twigg, Walgren.

The bill was read the second time by sections.

On motion of Senator Guess, the committee amendments were adopted

On motion of Senator Guess, the rules were suspended Engrossed Senate Bill No 156 was advanced to third reading the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Odegaard: "Would Senator Guess yield to a question? Senator, I notice there is a section that would include enforcement powers. Could you explain just how this will be enforced?"

Senator Guess: "We have provided in the bill that those people who are properly certificated or who have the powers of making arrests will be able to enforce it. We also provided fifteen percent of the funds will go to the counties and they will be distributed on the basis of the number of snowmobiles in the area from a formula developed by the Washington Association of Counties. The counties will then have enough money to buy snowmobiles so that the deputies, if called upon, can go into the woods, and into the areas and do the necessary patrolling and policing of the people who are using snowmobiles."

#### POINT OF INQUIRY

Senator Whetzel: "Would Senator Guess yield? Senator, I am interested in the definition of hunting from snowmobiles and the harassment of wildlife from snowmobiles. The question has been raised to me whether this would preclude setting a trap line and servicing it from snowmobiles which has been considered to be highly dangerous and detrimental to wildlife in the wintertime. In your consideration of the word 'hunt', is that kind of activity included?"

Senator Guess: "Senator, this is a question that I am somewhat at a loss to be able to answer because I do not have at hand the definition of hunting. In my interpretation and my particular feeling about it, however, is that they will not be able to shoot. I think that this is hunting. As far as a person using a snowmobile to go out and service trap lines, I think that he could still do it. I do not see any prohibition in the bill nor do I remember discussing it at the time we were writing the bill to prohibit someone from using a snowmobile as a conveyance."

Senator Whetzel: "I just refer you to the definition of 'hunt' on page 2, line 21 which says 'any effort to kill, injure, capture or disturb a wild animal or wild bird'."

Senator Guess: "I would like very much if there was an attorney on the floor that is better versed in the language. I would like for them to answer. It appears to me that this is a prohibition against servicing a trap line, the way you have just read it."

Senator Whetzel: "Thank you"

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No 156, and the bill passed the Senate by the following vote: Yeas, 41, nays, 6, absent or not voting, 1; excused, 1

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson, (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel—41

Voting nay: Senators Day, Matson, Odegaard, Talley, Wilson, Woodall—6

Absent or not voting, Senator Connor—1.

Excused, Senator Gissberg—1.

ENGROSSED SENATE BILL NO 156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 149, by Senators Talley, Connor and Peterson (Ted)-

Authorizing a two hundred dollar minimum dues for members of the Washington Public Ports Association

The Senate resumed consideration of Senate Bil. No. 149 and the pending amendment by Senators McDougall and Greive and the amendment to the amendment by Senator Mardesich

Senator Mardesich moved adoption of the amendment to the amendment by Senators McDougall and Greive to page 1, section 2, line 1.

Debate ensued.

#### POINT OF INQUIRY

Senator Mardesich: "Would Senator Talley yield? Senator, are you suggesting that we do not adopt the original amendment as offered? The one relating to salaries, neither my amendment to the amendment nor the basic amendment?"

Senator Talley: "Yes, I am."

Further debate ensued

The motion carried and the amendment to the amendment by Senator Mardesich to page 1, section 2, line 1 was adopted

Senator Mardesich moved adoption of the following amendment to the amendment by Senators McDougall and Greive

In line 5 of section 3 of the amendment, after "census" strike "shall" and insert "may, by adoption of port commission resolution authorizing same."

Debate ensued.

#### POINT OF INQUIRY

Senator Bailey: "Would Senator Mardesich yield? Senator, in effect what this does then is to say that they can have the pay raise after the next election if they so vote?"

Senator Mardesich: "I assume that would be the effect because they then would take action on their own account and, since they were acting on their own pay schedule, it could have immediate effect."

#### POINT OF INQUIRY

Senator Atwood: "Would Senator Mardesich yield? Senator, are the port commissions subject to article XI, section 8 of the Constitution that requires us to fix the salaries of all municipal officers?"

Senator Mardesich: "I am not certain that it is or is not. What section is it?"

Senator Atwood: "Article XI, section 8, page 95, it says municipal officers. I think we may have a constitutional question here. I tried to have a bill drafted to give the county officials authority to fix their salaries and I do not want to foul up the port bill in case that we have to do it under the Constitution. That is what I am a little concerned about with this amendment."

Senator Mardesich: "My first reaction on a reading would be that they would not be a governmental agency falling within the prohibition of this section 8, article XI. However, if you desire, in order that we might check more thoroughly I would certainly be agreeable to holding this until later in the calendar so we could check it out."

Senator Atwood: "I think it might be wise. This will give us a chance to see that we are not doing something that will really just completely negate the intention of the bill."

Debate ensued

#### POINT OF INQUIRY

Senator Atwood: "Would Senator Mardesich yield? Senator, do you know when the next port elections are in the city of Everett or Seattle which are port districts over one hundred thousand?"

Senator Mardesich: "I do not know offhand, no. Do they all come up at once? I suspect there might be staggered terms but I am uncertain of that."

Senator Atwood: "One other question. The effect of this amendment is that if they adopt a resolution to raise their salaries to three hundred dollars and under the new constitutional provision they are a legislative body setting their own salary, in effect, then they cannot draw it until they are re-elected?"

Senator Mardesich: "That is correct. That is my interpretation."

The motion carried and the amendment to the amendment was adopted

The amendment by Senators McDougall and Greive as amended was adopted

Senator Whetzel moved adoption of the following amendment

Add a new section 4 as follows

"NEW SECTION. Sec. 4. No payments shall be made pursuant to this 1971 amendatory act at any time a port district has in effect any tax levy for operation and maintenance."

Renumber old section 4 to read section 5.

#### POINT OF INQUIRY

Senator Bailey: "Would Senator Whetzel yield? Senator, I haven't a copy of your amendment before me but it would be any levy existing on taxpayers, they would be unable to draw the . . ."

Senator Whetzel: "Yes."

Senator Bailey: "The question I raise then is, we have some port districts that would have a levy out in effect it would be a levy-paying off a bonded indebtedness for construction and things of that sort. Would this be all inclusive and was not it your intent mainly for maintenance and operation levies?"

Senator Whetzel: "I think you raise a good point. It does include all levies and maybe we should give consideration to excluding the bonded indebtedness."

#### MOTION

Senator Greive moved that the amendment by Senator Whetzel be laid upon the table.

Debate ensued

The motion failed on a rising vote

Further debate ensued

#### POINT OF INQUIRY

Senator Bailey: "Senator Holman, doesn't the Constitution limit port districts to two or three mills above the forty mills?"

Senator Holman: "It has always been a question as to what this means. If you read article VII, section 2, the forty mill limit, which says it shall not exceed forty mills on fifty percent valuation and says, 'PROVIDED, That this shall not prevent levies at the rate now provided by law by or for any port district or public utility district.' So you might say whatever they had when this was passed they still have. But the next section of the Constitution which relates to special levies and says that no taxing district can levy above this forty mill limitation except by a vote of the people, that specifically excludes port districts. So there is a very good question and always has been as to what the limitations on a port district are. I think it is something we ought to keep in mind."

Further debate ensued

#### POINT OF INQUIRY

Senator McDougall: "Will Senator Whetzel yield? Senator, I am not completely sure that I know exactly what you are doing to me with the amendment but may I pose a question to you with regard to our own port district which has been in operation for a number of years."

"Would you envision that just in its normal taxing activities that this would in any way preclude our port commissioners from receiving this per diem as it is mentioned in the amendment?"

Senator Whetzel: "If they do not have a tax levy in effect for operations and maintenance and I do not know whether your port district does or not, they would not be precluded. They would then under the language that Senator Mardesich put in the amendment, have the option of—no, I guess they are not under section 3, they are under section 2. They would be able to go ahead and get that. Now if they were one of the port districts that is relying on tax levies for its operations, then in a year in which they had such a tax levy, they would not."

Senator McDougall: "Isn't it true that most port districts have more or less of a continuous levy situation? To the best of my knowledge, our port district is not a self-sustaining district such as the one up in Seattle. It would seem to me that the effect of your amendment is to completely undo what we have attempted to do in section 2 of the bill by making it so restrictive that we might just as well go back to the old procedures that the port districts already had to get some type of per diem."

Senator Whetzel: "Some of the port districts do operate on that out of revenues and, yes, I am narrowing the purpose of your amendment to those districts that do operate from revenues and I suppose the object is to encourage more of them to operate out of that than on tax levies."

"The Seattle port district has operated both ways and I think there is becoming some criticism from the public on the port districts of what they are using these tax revenues for and if we load on salaries and per diem, there is going to be more criticism and more objections to some of the activities of the port district and this is what I want to prevent."

President Pro Tempore Henry declared the question before the Senate to be the adoption of the amendment by Senator Whetzel.

The motion failed and the amendment was not adopted.

#### MOTIONS

On motion of Senator Mardesich, Senate Bill No. 149 was ordered to hold its place on the second reading calendar for Wednesday, February 23, 1971.

At 12:30 p.m., on motion of Senator Greive, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:30 p.m.

#### MOTIONS

On motion of Senator Twigg, Senator Guess was excused.

On motion of Senator Atwood, Senator Lewis was excused.

On motion of Senator Connor, Senators Herr and McCutcheon were excused.

On motion of Senator Durkan, Senate Bill No. 45 was ordered to hold its place on the second reading calendar for Wednesday, February 24, 1971.

On motion of Senator Keefe, Senate Bill No. 232 was ordered to hold its place on the second reading calendar for Wednesday, February 24, 1971.

#### SECOND READING

SENATE BILL NO. 273, by Senators Elcker, Odegaard and Gardner (by Joint Committee on Governmental Cooperation and departmental request)

Authorizing for consent for drug and alcohol abuse care by minors.

The bill was read the second time by sections.

On motion of Senator Elcker, the rules were suspended, Senate Bill No. 273 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Stender: "Would Senator Elcker yield? Senator, on this measure as I read it, it provides that no consent of the parent is necessary for this treatment or counseling, is it the design of this bill that the parents or the guardians are not aware of this situation?"

Senator Elcker: "No, that is not the design of the bill. The testimony that we had in the committee by the people who are actively engaged in this program, both in private practice and also for state agencies, indicated that their first concern is to get the confidence of the youngsters involved. As soon as they get his confidence, as a matter of routine, they try and bring his parents into the act, or his guardian as the case may be."

#### POINT OF INQUIRY

Senator Durkan: "Would Senator Elcker yield? Senator, I support the concept but the question that I raise is the consent of treatment by the minor. What if he consented to treatment by just somebody in the street, rather than a legal institution. I can see where, and particularly in Seattle and some of the areas that the young kids who are on drugs end up in some of these communities and when the police go by to talk to them, they are told 'What we are trying to do is bring them down or get them off of it,' and actually they are not doing any such thing. It is perpetuating it."

Senator Elcker: "Senator Durkan, it is a good point you raise but let us look at it this way. Currently, if he is going to get treatment from somebody in the street, let us say some other drug addict or something of this sort, he is going to get it anyhow. The parents or the

guardians do not come into the picture under those circumstances. As far as criminal sanctions are concerned, we have licensing statutes in the state as far as the criminal sanctions are concerned, we have licensing statutes in the state as far as the practice of psychology is concerned, the practice of psychiatry, the administration of drugs and so on. Were I as a layman to provide this kind of treatment for anyone, with or without parental consent, I myself would be subject to prosecution and guilty of a crime."

Senator Durkan: "It just seems pretty loose, Senator. I could see where you could use it as a defense in a criminal action also, I am not opposed to it but the bill disturbs me a little that we are not saying who or how."

Senator Elicker: "Senator Durkan, if you would like an amendment on the bill to take care of that, if you can think of some way we can draft it, I certainly, of course, have no objections."

#### POINT OF INQUIRY

Senator Mardesich: "I merely would like to raise a question also. Who pays for the services if the minor is not to be held and what are the emergency services authorized in it."

Senator Elicker: "Senator Mardesich, as far as who pays for it, we have the same provision that we had under venereal disease. We had testimony which indicated that in the first place a great amount of this treatment would be furnished by community health centers and department of institutions and people who are paid by the state. There would be no charge."

"The president of the Washington State Medical Society testified that in his opinion that the physicians who might be involved in this were concerned enough about the young people involved that payment to them was secondary. As far as emergency services are concerned, this would be emergency services as more or less laid down by common law. The same type of emergency services that you would give to anybody who were in a comatose condition or something of this sort."

#### MOTION

On motion of Senator Andersen Senate Bill No. 273 was ordered to hold its place on the third reading calendar for Wednesday, February 24, 1971.

#### SENATE BILL NO. 195, by Senators Talley, Bailey and Woodall:

Increasing the amount counties may expend for maintenance and operation of county historical museums.

The bill was read the second time by sections.

On motion of Senator Talley, the rules were suspended, Senate Bill No. 195 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Canfield: "Will Senator Talley yield? Senator, I have not heard from our county on this. There may be no particular interest but we do have some historical museums there and has this been approved by the Association of Washington Officials?"

Senator Talley: "At the hearing, there was nobody who testified against it and some testified for it. It is just permissive legislation."

Senator Canfield: "You have not heard any objections to it?"

Senator Talley: "I have had no objections to it."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 195, and the bill passed the Senate by the following vote: Yeas, 40, absent or not voting, 3; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Conner, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Francis, Gardner, Greive, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougal, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—41.

Absent or not voting: Senators Fleming, Sandison, Woodall—3.

Excused: Senators Gissberg, Guess, Horr, Lewis, McCutcheon—5.

SENATE BILL NO 195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

# STATEMENT FOR THE JOURNAL

We, the Democratic majority of the Washington State Senate, condemn yesterday's action of the Republican Caucus of the Senate in presenting a politically motivated resolution on the subject of marijuana.

The action by the Republicans is ill-considered, injudicious, and an unworthy misuse of the legislative process, and we totally repudiate the use of the Senate floor for cheap political motives.

The only measure now before the legislature concerning the legalizing of the use of marijuana is Republican-sponsored House Bill No 588, a bill which obviously is going nowhere. We firmly oppose the use of marijuana or any other dangerous drug presently on the illegal list. We regard the whole subject of marijuana as much too serious to be kicked about as a political weapon on the floor of the Senate by our Republican colleagues. We have not castigated them because one of their party has presented House Bill No 588, nor do we intend that the subject of marijuana shall ever be treated as a political football.

We feel this matter is much too serious for such frivolous and irresponsible action, and we hope that our Republican colleagues will not again attempt to make political capital out of one of the most distressing problems facing our Country today.

We firmly repudiate this action by the Republicans of the Senate, and strongly urge that the floor of the Senate be reserved for finding solutions for the critical issues now facing all the people of our state.

Signed by, Senators Greve, Bailey, Keefe, Donohue, Odegaard, Dore, Gardner, Connor, Wilson, Foley, Washington, Knoblauch, Talley, Walgren, Ridder, Durkan, Sandison, Day, Jolly, Fleming, Peterson (Lowell), McCutcheon, Cooney, Mardesich, Herr and Stortum.

# MOTION

At 1:55 p.m., on motion of Senator Greve, the Senate adjourned until 11:00 a.m., Wednesday, February 24, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



## FORTY-FIFTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, February 24, 1971.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President that all Senators were present except Senators Francis, Gardner and Guess. On motion of Senator Keefe, Senators Francis and Gardner were excused. On motion of Senator McDougall, Senator Guess was excused.

The Color Guard, consisting of Pages Daryl Deutsch, Color Bearer, and Sue Tibbitts, presented the Colors. Reverend Olin Nordsteden, pastor of Prince of Peace Lutheran Church of Seattle, offered prayer as follows:

"In the stillness of this hour, we raise our hearts to Thee, O God. We have talked about Thee often, now we lean upon Thee, trusting and believing, for there is none other to whom we can turn. Our world is in a mess, Dear Lord, our youth are torn between God and dope. Our families are dizzy from listening to the sound of a million different drummers beating in their ears. You promised that the poor we would have with us always. More and more they are coming in bigger doses, like herds of cattle on a wild stampede, remember them, O God."

"We think about our schools and institutions of learning for which we can be very proud, You have taught us how to walk on the moon but we have forgotten how to get along with each other here on earth."

"This is Ash Wednesday, Dear Lord, the first of forty days of reflection on Your life. Sometimes we wonder where You are. Here in this assembly are the chosen ones, they have some big problems to solve. They are trying desperately to make Washington a better place, but they need Your help."

"We thank You for their willingness to risk a whole lot for what they believe. Give all of them an abundance of courage to do something, the wisdom to know what to do and to know how to make it work. You say, old men shall dream dreams, young men shall see visions, but somehow God, we petition You to help them to make our state the best place in the world to live. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

February 23, 1971.

SENATE BILL NO. 146, establishing a Uniform Controlled Substances Act (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: That Substitute Senate Bill No. 146 be substituted therefor and the substitute bill do pass.

Signed by: Senators Day, Chairman, Cooney, Ellicker, Greive, Holman, Keefe, McCutcheon, Odgaard, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

February 23, 1971.

SENATE BILL NO. 329, implementing law relating to insurance and health care programs for public employees of institutions of higher education (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass as amended and refer to the Committee on Ways and Means—Appropriations.

Signed by: Senators Sandison, Chairman, Atwood, Durkan, Foley, Gardner, Holman, Huntley, Lewis, Scott.

## MOTION

On motion of Senator Atwood, Senate Bill No. 329 was referred to the Committee on Ways and Means—Appropriations.

February 20, 1971.

SENATE JOINT RESOLUTION NO. 13, providing for extraordinary sessions of the legislature (reported by Committee on Constitution, Elections and Legislative Processes):

Recommendation: That Substitute Senate Joint Resolution No. 13 be substituted therefor and the substitute resolution do pass.

Signed by: Senators McCutcheon, Chairman, Wilson, Vice Chairman, Canfield, Cooney, Donohue, Dore, Greive, Holman, Keefe, Mardesich, Matson, Metcalf, Stender, Washington, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

February 23, 1971.

SENATE CONCURRENT RESOLUTION NO. 5, providing for review of community college program costs (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman, Atwood, Durkan, Foley, Gardner, Holman, Huntley, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading

February 23, 1971

SENATE CONCURRENT RESOLUTION NO. 10, authorizing a study of day care services (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman, Atwood, Foley, Gardner, Holman, Huntley, Lewis, Scott

Passed to Committee on Rules and Joint Rules for second reading

#### LETTER OF INFORMATION

February 23, 1971.

HONORABLE JOHN CHERBERG

PRESIDENT OF THE SENATE

LEGISLATIVE BUILDING

OLYMPIA, WASHINGTON

DEAR SIR

The following bill has been sent to the full committee on Ways and Means:  
SENATE BILL NO. 1: Property Taxes, 106% levy limitation.

Sincerely,

HUBERT F. DONOHUE

Chairman, Revenue and Taxation Committee.

#### MESSAGE FROM THE HOUSE

February 23, 1971

Mr. President, The Speaker has signed SENATE BILL NO. 8, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk

#### MOTIONS

On motion of Senator Fleming, the Committee on Cities, Towns and Counties was relieved of further consideration of Senate Bill No. 689

On motion of Senator Fleming, Senate Bill No. 689 was referred to the Committee on Public Pensions and Social Security

#### PERSONAL PRIVILEGE

Senator Dore: "Rising under a point of personal privilege, I would like to clarify the record in reference to the welfare hearings the other day.

"I think it was inferred in the paper, if not stated, that the Senate Appropriations Committee has had no hearings on the welfare budget. We actually had four days set aside for hearings on the welfare budget. We had two of those hearings, two and one half hour sessions each, in order to hear the public assistance budget in which we heard I would say at least thirty or thirty-five public witnesses and Mrs. McClain was one of them. She testified twice before the committee.

"I hope the newspapers inform the people that the Senate Appropriations Committee has given a forum to those people who want to complain about the welfare budget because

the way I read the paper this morning it would seem to infer that we never had any hearings at all when in fact we have had four days of hearing in the public assistance budget, two days of which we allowed testimony of public witnesses.

"I think we have given the public a chance to be heard on these items and when the hearing was over I had a letter from the attorney for the coalition group commending us for giving them the time and the opportunity to present their case so I do not think there should be any criticism of the Senate or the Senate Appropriations Committee."

#### PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, rising for a point of personal privilege. In all due respect to Senator Dore, I do not know what the newspaper reported but I know that there were hearings. I know that in some of the hearings the first part was for the department and by the time it got around to the recipients only two, three or four Senators were there. Many of the recipients felt as though they had not been heard and much of their testimony was rushed through."

#### PERSONAL PRIVILEGE

Senator Dore: "I rise again on personal privilege. Just to clarify the record, in fairness to the members of the Senate Appropriations Committee, we have twenty-two members and I would say at no time, because of conflicts in hearings and with other committees, do we have more than eleven or twelve there."

"On the particular day, and I have checked the record since, there were eleven from eight to nine o'clock. That was during the time the department's position was presented. From nine to ten o'clock there were nine of us there and the hearing was supposed to close at ten. We heard from the recipients for an hour."

"Then, because we could not finish, Senator Canfield, myself and one other Senator whose name slips me, stayed until ten thirty that particular day. . . I think it was Senator Huntley or Senator Ridder. . . to hear the rest of the testimony. At ten thirty they still had more people, I said to come back the following morning at eight o'clock. They came back for two and one-half hours more the next morning. You were not there at either hearing, Senator Fleming, I was."

#### SECOND READING

SENATE BILL NO. 149, by Senators Talley, Connor and Peterson (Ted)

Authorizing a two hundred dollar minimum dues for members of the Washington Public Ports Association

The Senate resumed consideration of Senate Bill No. 149 on second reading

#### MOTION

On motion of Senator Greive, the following amendment by Senators McDougall and Greive to the title was adopted:

On page 1, line 3 of the title, after "RCW 53.06 040" and before the period insert "; adding new sections to chapter 53.12 RCW, and repealing section 4, chapter 345, Laws of 1955, section 1, chapter 72, Laws of 1957 and RCW 53.12 250."

#### MOTION

On motion of Senator Greive, Engrossed Senate Bill No. 149 was ordered held to the end of today's calendar on second reading

SENATE BILL NO. 45 by Senators Durkan, Foley, Guess and Sandison

Increasing property tax exemption for senior citizens

The bill was read the second time by sections.

Senator Stortini moved adoption of the following amendment:

On page 1, section 1, on line 10, after "pay" and before "real" on line 11, strike "the first [fifty] one hundred dollars of" and insert "[the first fifty dollars of] an applicable percentage of"

Debate ensued

#### POINT OF INQUIRY

Senator Atwood: "Will Senator Stortini yield? That fiscal note you just read is the fiscal note that goes to Senate Bill No. 45 unamended, isn't it?"

Senator Stortini: "Yes, that is with the sliding scale."

Senator Atwood: "With the sliding scale?"

Senator Stortini: "Yes. To give the fiscal note, Senate Bill No. 45 is \$6.96 million, with the sliding scale it would be \$868,000 additions, or a total of \$46.9 million."

Senator Atwood: "Does your fiscal note divide the impact to the state general fund and the impact to local government and city schools?"

Senator Stortini: "Yes, the state financial impact would be \$54,000 a year and to the local government it would be approximately \$760,000 for the biennium or one-half of that for the year."

Senator Atwood: "In addition to the eight hundred and some thousand dollars that it affects the general fund this biennium?"

Senator Stortini: "No, the total amount of Senate Bill No. 45 with the sliding scale is \$868,000 or a total of \$9.6 million for the biennium."

Senator Murray moved adoption of the following amendment to the amendment by Senator Stortini:

On page 1, section 1, line 10, strike the amendment by Senator Stortini and after the word "first" is insert the words "the first fifty dollars of"

Debate ensued

### MOTIONS

On motion of Senator Gussberg, the amendment to the amendment by Senator Murray and the amendment by Senator Stortini were laid upon the table.

On motion of Senator Durkan, the rules were suspended, Senate Bill No. 45 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 45, and the bill passed the Senate by the following vote. Yeas, 44; nays, 3; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gussberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Walgren, Washington, Wilson, Woodall—44.

Voting nay: Senators Atwood, Twigg, Whetzel—3

Absent or not voting: Senator Talley—1.

Excused: Senator Guess—1.

SENATE BILL NO. 45, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTIONS

On motion of Senator Ridder, Senate Bill No. 232 was ordered to hold its place on the second reading calendar for Thursday, February 25, 1971.

On motion of Senator Ridder, Senate Bill No. 129 was ordered to hold its place on the second reading calendar for Thursday, February 25, 1971.

SENATE BILL NO. 260, by Senators Greive, Stender and Francis:

Extending workman's compensation to retail clerks

The bill was read the second time by sections.

On motion of Senator Greive, the rules were suspended, Senate Bill No. 260 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 260, and the bill passed the Senate by the following vote: Yeas, 38, nays, 9; excused, 2.

Voting yea: Senators Bailey, Carfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Ellicker, Fleming, Foley, Gardner, Gissberg, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Wagren, Washington, Whetzel, Woodall—38

Voting nay: Senators Anderson, Atwood, Huntley, McDougall, Metcalf, Newschwander, Twigg, Wilson—9

Excused: Senators Francis, Guess—2

SENATE BILL NO. 260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 126, by Senator Dore:

Relating to nonprofit corporations.

The bill was read the second time by sections.

On motion of Senator Dore, the rules were suspended, Senate Bill No. 126 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 126, and the bill passed the Senate by the following vote: Yeas, 46, absent or not voting, 1, excused, 2.

Voting yea: Senators Anderson, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Durkan, Ellicker, Fleming, Foley, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Wagren, Washington, Whetzel, Wilson, Woodall—46

Absent or not voting: Senator Day—1.

Excused: Senators Francis, Guess—2.

SENATE BILL NO. 126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 136, by Senators Henry and Huntley:

Regulating the use of blue lights on emergency vehicles.

## REPORT OF STANDING COMMITTEE

February 10, 1971.

SENATE BILL NO. 136, regulating the use of blue lights on emergency vehicles (reported by Committee on Transportation)

MAJORITY recommendation: Do pass with the following amendments

On page 2, section 2, beginning on line 19, strike the remainder of the section and insert

"[(1)] Any individual displaying a [blue] green light as authorized in RCW 46.37.185, or a sign or plate as authorized in RCW 46.37.186, shall also carry attached to a convenient location on the private vehicle to which the [blue] green light or sign or plate is attached, an identification card showing the name of the owner of said vehicle, the organization to which he or she belongs and bearing the signature of the chief of the service involved.

[(2)] The operator of any funeral coach shall be authorized to display a blue light of the type specified in RCW 46.37.185 on the front of such coach when engaged in answering a call of an accidental or emergency nature.]"

On page 2, section 3, line 30, strike "NEW SECTION " and on line 31 strike "hereby repealed " and insert "amended to read as follows:

Firemen, when approved by the chief of their respective service, shall be authorized to use a [blue] green light on the front of their private cars when on emergency duty only. Such [blue] green light shall be visible for a distance of two hundred feet under normal atmospheric conditions and shall be of a type and mounting approved by the commission on equipment. *The use of the green light shall only be for the purpose of identification and the operator of a vehicle so equipped shall not be entitled to any of the privileges provided in RCW 46 61.035 for the operators of authorized emergency vehicles."*

In line 5 of the title, after "46 37 187, and" strike "repealing" and insert "amending".  
Signed by: Senators Washington, Chairman, Connor, Donohue, Elicker, Foley, Guess, Huntley, Knoblauch, McDougall, Matson, Murray, Scott, Talley, Walgren

The bill was read the second time by sections.

On motion of Senator Washington, the committee amendments were adopted.

On motion of Senator Washington, the rules were suspended, Engrossed Senate Bill No 136 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 136, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Joly, Keefe, Lewis, McCutcheon, McDougall, Mardesich, Matson, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridoer, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall. 45

Young nay: Senator Knoblauch-1.

Absent or not voting: Senator Metcalf-1.

Excused: Senators Francis, Guess-2.

ENGROSSED SENATE BILL NO 136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTIONS

On motion of Senator Scott, Senate Bill No. 90 was ordered to hold its place on the second reading calendar for Thursday, February 25, 1971.

At 12:20 p.m., on motion of Senator Greive, the Senate recessed until 2:00 p.m.

### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 2:00 p.m.

### MOTIONS

On motion of Senator Mardesich, Senator Cooney was excused.

On motion of Senator McDougall, Senator Scott was excused.

On motion of Senator Keefe, Senator McCutcheon was excused.

On motion of Senator Huntley, Senator Holman was excused.

### SECOND READING

SENATE CONCURRENT RESOLUTION NO 9, by Senators Durkan and Lewis:

Continuing the temporary forest tax committee.

The resolution was read the second time in full.

On motion of Senator Lewis, the following amendment was adopted.

On page 1, line 17, after "services" insert "from January 11, 1971."

On motion of Senator Lewis, the rules were suspended, Engrossed Senate Concurrent Resolution No. 9 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued

#### MOTION

On motion of Senator Gissberg, the rules were suspended and the Secretary called the roll on Engrossed Senate Concurrent Resolution No. 9

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 9, and the resolution passed the Senate by the following vote: Yeas, 42, absent or not voting, 1, excused, 6

Voting yeas: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senator Lewis—1.

Excused: Senators Cooney, Francis, Guess, Holman, McCutcheon, Scott—6.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 9, having received the constitutional majority, was declared passed.

SENATE BILL NO. 302, by Senators Elicker, Clarke and Herr (by departmental request)

Providing for destruction of noncurrent public records.

The bill was read the second time by sections.

Senator Wilson moved adoption of the following amendment by Senators Talley and Wilson:

On page 2, section 1, line 8 following: "*committee*" insert *AND PROVIDED, HOWEVER, That all real and personal property tax records shall be destroyed immediately*"

Debate ensued.

The motion lost and the amendment was not adopted

The bill was read the second time by sections.

On motion of Senate Elicker, the rules were suspended, Senate Bill No. 302 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 302, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yeas: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43

Excused: Senators Cooney, Francis, Guess, Holman, McCutcheon, Scott—6

SENATE BILL NO. 302, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act

SENATE BILL NO. 496, by Senators Gissberg and Woodall—

Implementing law relating to homesteads, including awards in addition to or awards in lieu of

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, Senate Bill No. 496 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 496, and the bill passed the Senate by the following vote: Yeas, 43, excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43

Excused: Senators Cooney, Francis, Guess, Holman, McCutcheon, Scott—6.

SENATE BILL NO. 496, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 394, by Senators Durkan, Peterson (Lowell), Canfield, Woodall and Ridder:

Establishing the Washington commission on Mexican American affairs

The bill was read the second time by sections.

Senator Woodall moved adoption of the following amendment:

On page 2, section 3, line 6, after "Members" strike the balance of the line.

Debate ensued.

The motion carried and the amendment was adopted.

On motion of Senator Woodall, the rules were suspended, Engrossed Senate Bill No. 394 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 394, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45

Excused: Senators Francis, Guess, Holman, Scott—4.

ENGROSSED SENATE BILL NO. 394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Lewis, Senator Twigg was excused.

SENATE BILL NO. 270, by Senators Greive, Talley and Stender.  
Providing for withdrawal of water districts.



The bill was read the second time by sections.

On motion of Senator Greive, the rules were suspended, Senate Bill No. 270 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 270, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dora, Durkan, Elcker, Fleming, Foley, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson, (Ted), Ridder, Sandison, Stender, Stortum, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senator Cooney—1.

Excused: Senators Francis, Guess, Scott, Twigg—4.

SENATE BILL NO. 270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

SENATE BILL NO. 273, by Senators Elcker, Odegaard and Gardner (by Joint Committee on Governmental Cooperation and departmental request):

Authorizing for consent for drug and alcohol abuse care by minors.

The bill was read the third time.

#### MOTIONS

On motion of Senator Elcker, the rules were suspended and Senate Bill No. 273 was returned to second reading.

On motion of Senator Elcker, the following amendment was adopted:

On page 1, section 1, line 6, after "consent to" and before "the furnishing" insert "any qualified person for".

On motion of Senator Elcker, the rules were suspended, Engrossed Senate Bill No. 273 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 273, and the bill passed the Senate by the following vote: Yeas, 31; nays, 12; absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Clarke, Connor, Dora, Durkan, Elcker, Fleming, Foley, Gardner, Greive, Henry, Herr, Holman, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Murray, Odegaard, Peterson (Lowell), Peterson, (Ted), Ridder, Sandison, Stender, Stortum, Talley, Walgren, Washington, Whetzel—31.

Voting nay: Senators Andersen, Atwood, Canfield, Day, Donohue, Gissberg, Huntley, Jolly, Lewis, Metcalf, Newschwander, Wilson—12.

Absent or not voting: Senators Cooney, Woodall—2.

Excused: Senators Francis, Guess, Scott, Twigg—4.

ENGROSSED SENATE BILL NO. 273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 2:55 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Thursday, February 25, 1971.

JOHN A. CHERBERG, President of the Senate.  
SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-SIXTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, February 25, 1971

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. On motion of Senator Greive, the Senate was declared to be at ease subject to call of the Chair. President Pro Tempore Henry called the Senate to order at 12:00 noon. The Secretary called the roll and announced to the President that all Senators were present except Senator Stender. On motion of Senator McDougall, Senator Stender was excused.

The Color Guard, consisting of Pages Mary Van Hollebeke, Color Bearer, and Rich Mayrand, presented the Colors. Reverend Glen D. Cole, pastor of the First Assembly of God Church of Olympia, offered prayer as follows:

"Our Heavenly Father, we give You thanks for the joy, the power, the faith, the victory, the greatness, the exaltation and every other superlative that is to be found in the glorious Gospel of the Lord Jesus Christ. We give You thanks for the plus-factor that He has called to life. We thank You for the greatness of faith and the creative power which is inherent in it. Help us to commit ourselves wholeheartedly to Him who can take any situation and bring good out of it.

"Bless and guide every member of this legislative body. Grant them wisdom as they undertake the duties of their office this day. Help us all to remember and realize that Jesus offers that which does work, which will work, which has worked, which is no failure. Help us today to get on His team and go to work and give ourselves to build a great new day through Jesus Christ our Lord. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

February 28, 1971.

SENATE BILL NO 108, providing changes in the sentencing of persons convicted of more than one crime (reported by Judiciary Committee).

MAJORITY recommendation: Do pass.

Signed by: Senators Gussberg, Chairman, Dore, Vice Chairman, Andersen, Atwood, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

February 23, 1971.

SENATE BILL NO 153, providing credit for time served for imprisonment (reported by Judiciary Committee).

MAJORITY recommendation: Do pass.

Signed by Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Atwood, Clarke, Francis, Holman, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

February 22, 1971.

SENATE BILL NO 163, providing for acceptance of ID besides the Washington state liquor ID card (reported by Committee on State Government).

MAJORITY recommendation: Do pass as amended.

Signed by Senators Walgren, Chairman; Day, Elicker, Gardner, Gissberg, Henry, McCutcheon.

Passed to Committee on Rules and Joint Rules for second reading.

February 23, 1971.

SENATE BILL NO. 249, adopting a uniform law on the rendition of accused persons (reported by Judiciary Committee).

MAJORITY recommendation: Do pass.

Signed by Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Atwood, Clarke, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

February 22, 1971.

SENATE BILL NO 283, establishing programs for furloughs for convicted felons (reported by Committee on Public Institutions).

MAJORITY recommendation: Do pass as amended.

Signed by Senators Odegaard, Chairman; Clarke, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

February 25, 1971.

SENATE BILL NO 525, providing for the adoption of federal regulations concerning meat and poultry inspection (reported by Committee on Agriculture and Horticulture).

MAJORITY recommendation: Do pass.

Signed by Senators Jolly, Chairman; Day, Donohue, Huntley, Knoblauch, Matson, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

February 23, 1971.

SENATE BILL NO. 652, modifying the law on family support and child support by removing stepchildren therefrom (reported by Judiciary Committee).

MAJORITY recommendation: Do pass with the recommendation that it be referred to the Committee on Ways and Means—Appropriations.

Signed by Senators Gissberg, Chairman; Dore, Vice Chairman; Clarke, Francis, Holman, Twigg, Walgren, Woodall.

## MOTION

On motion of Senator Gissberg, Senate Bill No 652 was referred to the Committee on Ways and Means—Appropriations.

February 16, 1971.

SENATE JOINT MEMORIAL NO 5, requesting the federal government to assume greater obligation for certain welfare programs (reported by Committee on Public Institutions).

MAJORITY recommendation: Do pass.

Signed by Senators Odegaard, Chairman; Clarke, Knoblauch, Sandison, Stortini, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

February 25, 1971.

SENATE JOINT RESOLUTION NO 8, submitting to qualified voters of state an amendment to the Constitution permitting county officer to hold office in two or more contiguous counties (reported by Judiciary Committee).

MAJORITY recommendation: Do pass.

Signed by Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Atwood, Clarke, Durkan, Foley, Francis, Holman, Twigg, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

MESSAGES FROM THE HOUSE

February 24, 1971.  
Mr. President: The House has passed ENGROSSED HOUSE JOINT RESOLUTION NO 34, and the same is herewith transmitted DONALD R. WILSON, Assistant Chief Clerk

February 24, 1971.  
Mr. President: The Speaker has signed HOUSE BILL NO. 245, and the same is herewith transmitted MALCOLM McBEATH, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE JOINT RESOLUTION NO 34, by Representatives Brown, Ceccarelli, Bluechet, Blair, Kiskaddon, Kopet, Cunningham, Mentor, Smith, Hoggins, Bledsoe, Chataas and Kilbury (by executive request):

Providing for annual sessions of the legislature.

Referred to Committee on Constitution, Elections and Legislative Processes

SIGNED BY THE PRESIDENT

The President signed  
HOUSE BILL NO. 245

MOTION

On motion of Senator McDougall, Senate Bill No. 130 was ordered to hold its place on the second reading calendar for Friday, February 26, 1971.

SECOND READING

SENATE BILL NO. 137, by Senators Fleming, Andersen and Stortini (by departmental request).

Providing a change in the law relating to lost instruments

REPORT OF STANDING COMMITTEE

February 12, 1971  
SENATE BILL NO 137, providing a change in the law relating to lost instruments (reported by Judiciary Committee).

MAJORITY recommendation: Do pass with the following amendment

In section 1, line 25, after "laws" and before the period insert "": *PROVIDED FURTHER, That in the event that an original and its duplicate instrument issued without bond under this proviso are both presented for payment as a result of forgery or fraud, the department of social and health services shall be the state agency responsible for endeavoring to recover any losses suffered by the state"*

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall

The bill was read the second time by sections.

On motion of Senator Gissberg, the committee amendment was adopted

On motion of Senator Fleming, the rules were suspended. Engrossed Senate Bill No 137 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No 137, and the bill passed the Senate by the following vote. Yeas, 47, absent or not voting, 1, excused, 1

Voting yea. Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Flicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive,

Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortin, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Absent or not voting: Senator Talley 1.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 137, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 146, by Senators Holman, Day and Metcalf (by Uniform Law Commission request):

Establishing a Uniform Controlled Substances Act.

### MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 146 was substituted for Senate Bill No. 146 and the substitute bill was ordered held on the second reading calendar for Friday, February 26, 1971.

On motion of Senator Bailey, Senate Bill No. 237 was ordered to hold its place on the second reading calendar for Friday, February 26, 1971.

SENATE BILL NO. 321, by Senators Walgren and Twigg (by Municipal Committee request):

Increasing the membership of the advisory committee on the drug control unit.

The bill was read the second time by sections.

On motion of Senator Wagren, the rules were suspended, Senate Bill No. 321 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 321, and the bill passed the Senate by the following vote. Yeas, 48; excused, 1.

Voting yeas: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortin, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

SENATE BILL NO. 321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 390, by Senators Gissberg and Holman:

Providing that only decisions of the court of appeals which have precedential value shall be published.

### MOTION

On motion of Senator Gissberg, Substitute Senate Bill No. 390 was substituted for Senate Bill No. 390, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gissberg, the rules were suspended, Substitute Senate Bill No 390 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No 390, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1, absent or not voting, 1, excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Washington, Whetzel, Wilson, Woodall 46

Voting nay: Senator Walgren-1.

Absent or not voting: Senator Connor-1.

Excused: Senator Stender-1.

SUBSTITUTE SENATE BILL NO 390, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 391, by Senators Gissberg and Lewis:

Validating plats or subdivisions notwithstanding defects in notice.

### REPORT OF STANDING COMMITTEE

February 11, 1971

SENATE BILL NO 391, validating plats or subdivisions notwithstanding defects in notice (reported by Judiciary Committee)

MAJORITY recommendation: Do pass with the following amendments.

In section 2 line 11, after "plat" and before "or" insert "a preliminary plat"

In section 2, line 13, after "body" and before "of any" insert "or planning commission"

In section 2, beginning on line 16, after "with," strike all of the material down to and including "prescribed in" on line 17 and insert "and if notice and procedures were each substantially in compliance with either chapter 271, Laws of 1969 session, or"

Signed by: Senators Gissberg, Chairman, Dore, Vice Chairman, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

The bill was read the second time by sections.

On motion of Senator Mardesich, the committee amendments were adopted.

On motion of Senator Mardesich, the rules were suspended, Engrossed Senate Bill No. 391 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No 391, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2, absent or not voting, 1, excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elcker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall-45

Voting nay: Senators Durkan, Whetzel-2.

Absent or not voting: Senator Gissberg-1.

Excused: Senator Stender-1.

ENGROSSED SENATE BILL NO. 391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Matson, Senate Bill No. 410 was ordered to hold its place on the second reading calendar for Friday, February 26, 1971.

SENATE BILL NO. 232, by Senators Ridder, Keefe and Stender.

Providing for the binding determination by mediation and arbitration of labor disputes between uniformed personnel and their public employers.

#### REPORT OF STANDING COMMITTEE

February 17, 1971

SENATE BILL NO. 232, providing for the binding determination by mediation and arbitration of labor disputes between uniformed personnel and their public employers (reported by Committee on Labor and Industrial Insurance)

MAJORITY recommendation: Do pass with the following amendment:

On page 3, section 4, beginning on line 16 strike "public employees as a means of settling their labor disputes, particularly in the case of"

Signed by: Senators Stortini, Chairman; Connor, Ridder, Stender

The bill was read the second time by sections

On motion of Senator Stortini, the committee amendment was adopted.

#### POINT OF INQUIRY

Senator Mardesich "Before this measure leaves the second reading, I should like one of the sponsors to respond to a question. On line 12, there is new language inserted reading, 'except as to uniformed personnel'. I would like to know whether or not in the law as it currently stands there is any definition of uniformed personnel or whether merely by the application of the rules requiring people to wear uniforms who are on the street cleaning crew they might be within the definition."

Senator Ridder: "In the legislation that sets up the LEFF Act, the Law Enforcement Officers and Fire Fighters, the uniformed personnel are defined. I would suggest that be sufficient to define them. They are defined in the LEFF Act, the Law Enforcement Officers and Fire Fighters pension system bill."

Senator Mardesich "Then it would seem to me that we should say that, 'except as to uniformed personnel as defined in RCW' whatever it is."

Senator Ridder "If you would like to hold this over and draw up an amendment to define, I think this would clarify it considerably."

#### MOTIONS

On motion of Senator Mardesich, Senate Bill No. 232 and the adopted committee amendment was ordered to hold its place on the second reading calendar for Friday, February 26, 1971

At 12:45 p.m., on motion of Senator Greive, the Senate recessed until 1:45 p.m.

#### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:45 p.m.

#### MOTION

On motion of Senator Bailey, Senators Durkan and McCutcheon were excused.

#### SECOND READING

SENATE BILL NO. 129, by Senators Ridder, Stender and Cooney:

Providing compensation for accumulated sick leave for school district classified or noncertificated employees.

REPORT OF STANDING COMMITTEE

February 11, 1971.

SENATE BILL NO 129, providing compensation for accumulated sick leave for district classified or noncertificated employees (reported by Committee on Education)

MAJORITY recommendation: Do pass with the following amendments

On page 2, section 1, line 31, strike "or noncertificated"

On page 2, section 1, line 33 after "termination" and before the colon insert "and noncertificated employees shall be entitled to compensation for any day of accumulated sick leave they have acquired up to the date of their termination in an amount equal to one-sixth the amount of compensation they would otherwise earn on such a day"

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Peterson (Ted), Ridder, Washington

The bill was read the second time by sections.

On motion of Senator Ridder, the committee amendments were not adopted

Senator Ridder moved adoption of the following amendment.

On page 2, section 1, line 33 after "termination" and before the semicolon insert "in an amount equal to one sixth the amount of compensation they would otherwise earn on such a day"

POINT OF INQUIRY

Senator Canfield: "Will Senator Ridder yield? Senator, even if this were a good amendment, don't you think that maybe next time we would come in and make it a quarter or a half or the entire amount? Isn't this the way legislation is generally brought into effect?"

Senator Ridder: "Senator Canfield, this is the responsibility of this body, to be a watchdog on such matters. I feel that in the wisdom of this body if they feel that increasing this at some later date is wise, that in their wisdom they will do so. We felt, though, that an incentive was necessary and that one-sixth was a sufficient incentive to do what we intended to do and so we moved it to just one-sixth."

POINT OF INQUIRY

Senator Atwood: "Would Senator Ridder yield? If this amendment is adopted, what is the fiscal impact for this biennium?"

Senator Ridder: "There would be no fiscal impact for this biennium. We have another amendment on the floor that would not 'grandfather in' and would begin at the passage of this bill so that we would not be picking these up for some time."

Senator Atwood: "The biennium does not start until June 1st of this year and we are now in the process—the House is and we will be shortly—of preparing the budget. My question specifically is, in the next two years commencing with June 30, what is the amount of sick leave that can be accumulated by virtue of this particular amendment. In other words, how much sick leave do these people that are in this bill covered by this amendment, can they accumulate in the next two years?"

Senator Ridder: "If the whole 180 days were picked up, the fiscal impact that we have, with no non-grandfathering, would be \$7 million, which of course is out of reason. Now if you took this one-sixth of that amount would be a little over a million dollars but in this case since we are 'grandfathering' it would not be over twenty, thirty, thousand dollars."

Senator Atwood: "Do you have any fiscal note on this at all?"

Senator Ridder: "Yes, we do. We submitted the fiscal note to the Rules Committee and..."

Senator Atwood: "I have one here but it certainly does not cover this situation. Has Senator Durkan seen this? Has the Committee on Ways and Means looked at this? Because this does require an appropriation, does it not, if it is going to be effective?"

Senator Ridder: "We have the feeling that since it is an incentive bill, it is just very possible you are going to break even on this or even make a little money in the first instance. Because what this does is set up an incentive program that you do not take your sick leave, you stay on the job, and you pick up your one-sixth."

"Now considering that you are paying a person to fill that position when you are sick, if you are saving several of those at the same time you are going to lose one at the end. So, it is so difficult to set up a fiscal note on this impact. Secondly, the money to pay essentially for the school districts made up in the last biennium certainly would cover this. I think there is sufficient money right now in the system to take care of it and it is a very minor impact."

Debate ensued

The motion by Senator Ridder carried and the amendment was adopted.

On motion of Senator Ridder, the following amendment was adopted:

On page 3, section 1, line 3, after "biennium" and before the period insert "PROVIDED FURTHER, That the accumulations for sick leave and other leaves provided by this amendatory statute for the classes of employees affected shall commence only from and after the effective date of this act"



## MOTION

On motion of Senator Atwood, Senate Bill No. 129 was referred to the Committee on Ways and Means.

SENATE BILL NO. 100, by Senators Whetzel, Cooney and Peterson (Ted) (by Legislative Council request):

Providing for control by the boundary review boards of certain action by cities, towns, or special purpose districts.

## REPORT OF STANDING COMMITTEE

February 10, 1971.

SENATE BILL NO. 100, providing for control by the boundary review boards of certain action by cities, towns, or special purpose districts (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation, Do pass with the following amendment:

On page 1, section 1, line 22, after "establishment of" and before "water" insert "permanent"

Signed by Senators Connor, Chairman, Stortini, Vice Chairman: Canfield, Clarke, Mardesich, Peterson (Ted), Ridder, Talley, Whetzel

The bill was read the second time by sections.

On motion of Senator Whetzel, the committee amendment was adopted.

On motion of Senator Whetzel, the rules were suspended, Engrossed Senate Bill No. 100 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 100, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Foley, Francis, Gardner, Gussberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall. 45

Absent or not voting: Senators Herr, Keefe, Peterson (Lowell)—3

Excused: Senator McCutcheon—1.

ENGROSSED SENATE BILL NO. 100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 90, by Senators Scott, Wilson and Lewis.

Providing for the preservation of legislative records.

## MOTION

On motion of Senator Scott, Substitute Senate Bill No. 90 was substituted for Senate Bill No. 90 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Scott, the rules were suspended, Substitute Senate Bill No. 90 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Donohue: "Would Senator Scott yield? You mentioned an increased cost. Do you have a figure on the increased cost of this type of accumulation of documents that are going to mean that we are probably going to have to provide a building somewhere, sometime, to house these many papers that come out of committee?"

Senator Scott: "I mentioned no increased cost. What we are talking about is about twenty-five cubic feet per session. The state archives presently takes in and puts out about thirteen thousand cubic feet every biennium. There are presently 73,000 cubic feet at archives, 20,000 cubic feet of it primarily historical. You can see that twenty-five cubic feet does not amount to very much. The state archivist testified before the committee that there was no additional cost and what this really amounts to is that he labels about twenty-five small legal boxes each biennium and puts them on a shelf."

Senator Donohue: "Are we speaking maybe eventually of microfilming and that type of thing?"

Senator Scott: "Prior to microfilming any archival material, you have to sort it and that takes considerable cost. We can leave it in its present state as boxed by the committee clerk at the end of the session and transfer it to the archives and the researchers can come down and do their own sorting."

POINT OF INQUIRY

Senator Mardesich: "Will Senator Wilson yield? Senator, would you give me an honest expression of your opinion? Do you think that this will have no fiscal impact? Do you really think that?"

Senator Wilson: "All right, now we are speaking of the forthcoming biennium. These cartons are going to arrive at the archives. The testimony of the archivist is actually that he does not have enough help and they are going to be put on a shelf as frequently happens, and at least during the initial period of operation, those historians and researchers that want to make any use of this material are first of all themselves going to have to catalog it and find out where it is."

Senator Mardesich: "It sounds like me answering one of those questions. Could I get a yes or no answer? Do you think this bill will have no fiscal impact?"

Senator Wilson: "Yes. Yes, it has no fiscal impact."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 90, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Carke, Connor, Cooney, Day, Donohue, Dore, Durkan, Ellicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall. 48.

Excused: Senator McCutcheon-1.

SUBSTITUTE SENATE BILL NO. 90 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:25 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Friday, February 26, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-SEVENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, February 26, 1971.

The Senate was called to order at 11 00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Metcalf. On motion of Senator McDougall, Senator Metcalf was excused.

The Color Guard, consisting of Pages Stuart Ainsley, Color Bearer, and Frances Conyard, presented the Colors. Reverend John G. Chatalas, pastor of Lidgerwood Presbyterian Church of Spokane, offered prayer as follows:

"Almighty God, ruler of men. Bless and direct this body as they make our laws. And lead them by Your wisdom. Remind them of those who are least able to contribute to them but are most dependent upon their help and actions: those persons facing real fears, those who do not hold or wield power . . . those who are without adequate income, and, those who do not have any real sense of hope or human worth.

"For these and all citizens of our state give these legislators courage to risk themselves for the right, but deliver them from the self-frighteousness that will not compromise. Hold back impulsive actions, lest desire for vengeance overwhelm our common welfare. May they not fall in love with martyrdom but help them to speak truth with courage. May their power be used with wisdom and compassion. May they live, work, and act in Your Spirit, O God, to the end that their work may bring justice and serve as a symbol of hope. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

February 26, 1971.

SENATE BILL NO. 1, limiting the property tax raise in each taxing district (reported by Committee on Ways and Means).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Bailey, Canfield, Connor, Day, Donohue, Dore, Fleming, Gissberg, Greive, Jolly, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Twigg, Walgren, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

February 26, 1971.

SENATE BILL NO. 27, providing that no property segregation be made unless all delinquent taxes and assessments have been paid (reported by Committee on Ways and Means).

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Bailey, Canfield, Connor, Day, Donohue, Dore, Fleming, Gissberg, Greive, Jolly, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

February 26, 1971.

SENATE BILL NO. 147, providing that the department of natural resources can charge only a management fee for lease to a governmental agency of a harbor area (reported by Committee on Natural Resources, Fisheries and Game).

MAJORITY recommendation: That Substitute Senate Bill No. 147 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Donohue, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

February 26, 1971.  
SENATE BILL NO. 314, providing for multiple land use of state-owned lands (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by Senators Peterson (Lowell), Chairman, Bailey, Clarke, Donohue, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

February 26, 1971.  
SENATE BILL NO. 336, providing for the adjudication of the navigability of state waters (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by Senators Peterson (Lowell), Chairman, Bailey, Clarke, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

February 26 1971.  
SENATE BILL NO. 424, providing for revaluation of property at same time within a county (reported by Committee on Ways and Means).

MAJORITY recommendation: Do pass as amended

Signed by: Senators Durkan, Chairman, Bailey, Canfield, Connor, Day, Donohue, Dore, Fleming, Foley, Gissberg, Greive, Huntley, Jolly, Mardesich, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Talley, Walgren, Wilson.

Passed to Committee on Rules and Joint Rules for second reading

February 25, 1971  
SENATE BILL NO. 446, regulating custom meat facilities (reported by Committee on Agriculture and Horticulture):

MAJORITY recommendation: That Substitute Senate Bill No. 446 be substituted therefor and the substitute bill do pass.

Signed by: Senators Jolly, Chairman, Canfield, Day, Donohue, Huntley, Knoblauch, Matson, Wilson.

Passed to Committee on Rules and Joint Rules for second reading

February 26, 1971.  
HOUSE BILL NO. 172, restoring tax statutes based on passage of HJR 42 to previous status (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Day, Donohue, Dore, Fleming, Foley, Guess, Holman, Huntley, Jolly, Mardesich, Metcalf, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Walgren, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

February 25, 1971.  
HOUSE BILL NO. 228, relating to the interagency committee for outdoor recreation (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans Affairs):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Canfield, Durkan, Henry, Jolly, Lewis, Mardesich, Murray, Scott, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading

## LETTER OF INFORMATION

February 26, 1971.

HONORABLE JOHN CHERBERG  
PRESIDENT OF THE SENATE  
LEGISLATIVE BUILDING  
OLYMPIA, WASHINGTON

DEAR SIR:

The following bills have been passed out of the Senate Revenue and Taxation Committee into the full Committee on Ways and Means:

SENATE BILL NO. 296: Assessors, revaluations inspections.

SENATE BILL NO. 409: Excise taxes, general revisions.

Sincerely,  
HUBERT F. DONOHUE  
Chairman, Revenue and Taxation Committee.

## MESSAGE FROM THE HOUSE

February 25, 1971.

Mr. President: The House has passed,  
 ENGROSSED HOUSE BILL NO. 166,  
 ENGROSSED HOUSE BILL NO. 324,  
 HOUSE BILL NO. 362,  
 HOUSE BILL NO. 386,  
 ENGROSSED HOUSE BILL NO. 412,  
 ENGROSSED HOUSE BILL NO. 523,  
 ENGROSSED HOUSE BILL NO. 543,  
 ENGROSSED HOUSE BILL NO. 572,  
 ENGROSSED HOUSE BILL NO. 578,  
 ENGROSSED HOUSE BILL NO. 660,  
 ENGROSSED HOUSE BILL NO. 675,  
 and the same are herewith transmitted, MALCOLM McBEATH, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 849, by Senators Durkan and Lewis:

An Act relating to revenue and taxation of timber and forest lands; amending section 28A 41 130, chapter 223, Laws of 1969 ~~ex sess~~ as amended by section 2, chapter 138, Laws of 1969 and RCW 28A 41 130, adding new sections to chapter 15, Laws of 1961 and to Titles 82 and 84 RCW; adding a new section to chapter 15, Laws of 1961 and to chapter 82.04 RCW, creating a new chapter in Title 84 RCW, creating new sections, repealing sections 4 and 5, chapter 249, Laws of 1963 and RCW 84 40.034 and 84 40.035, providing effective dates; and declaring an emergency

Referred to Committee on Ways and Means—Revenue and Taxation

SENATE BILL NO. 850, by Senators Durkan and Lewis:

An Act relating to revenue and taxation, amending section 5, chapter 249, Laws of 1963 and RCW 84.40 035; and creating new sections.

Referred to Committee on Ways and Means—Revenue and Taxation

ENGROSSED HOUSE BILL NO. 166, by Representatives Bottiger, Wolf, Gallagher, Backstrom, Barden, Brouillet, Ceccarelli, Hoggins and Litchman:

Requiring persons assessing real property to meet certain standards of training and experience and pass an examination

Referred to Committee on Cities, Towns and Counties

ENGROSSED HOUSE BILL NO. 324, by Representatives Cunningham, Iuders, Bluechel and Bauer (by departmental request):

Providing for the licensing of domestic waste treatment plant operators.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

HOUSE BILL NO. 362, by Representatives Hubbard, Charette, Julin and Bottiger

Providing that the rule against perpetuities applies to all trusts.

Referred to Judiciary Committee.

HOUSE BILL NO. 386, by Representatives Merrill, Zimmerman, Wolf, Bledsoe and Charnley

Designating a state rock and state gem.

Referred to Committee on State Government

ENGROSSED HOUSE BILL NO. 412, by Representatives Merrill and Smythe

Requiring metal dealers to keep certain records.

Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 523, by Representatives Marsh, Kopet, Haussler and Bauer

Authorizing safety awards for county employees.  
Referred to Committee on Cities, Towns and Counties.

ENGROSSED HOUSE BILL NO. 543, by Representatives Wolf, Smythe, Pardin, Lynch, Mentor, Juelling, Conway and Backstrom:  
Changing motor vehicle excise tax collection and distribution provisions.  
Referred to Committee on Ways and Means Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 572, by Representatives Kung, Lynch and Grant  
Providing that no factoring charges are allowed if credit cards are honored for payment of tuition and fees at state colleges and universities.  
Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 578, by Representatives Pardin, Curtis and Wojahn  
Providing for the regulation of pre need funeral contracts.  
Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 660, by Representatives Sawyer, Bagnariol and Pardin:  
Exempting credit cards from small loan regulations.  
Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 675, by Representatives Bauer, Costanti and Kilbury  
Providing for producer-handlers on commodity boards.  
Referred to Committee on Agriculture and Horticulture.  
On motion of Senator McDougall, the following resolution was adopted:

#### SENATE RESOLUTION: 1971-19

By Senators McDougall, Matson, Newschwander, Wilson and Donohue:  
WHEREAS, The Washington State Apple Blossom Festival is one of the twenty festivals selected by the United States Travel Service in connection with the United States Department of Commerce as a major attraction for foreign visitors; and  
WHEREAS, The apple industry has contributed immeasurably to the growth and development of the economy of this state, and  
WHEREAS, The apple industry is one of the oldest industries in the state, and  
WHEREAS, Twenty-five percent of all apples produced in the United States are grown in Washington State; and  
WHEREAS, The 1971 celebration will commemorate the 52nd anniversary of the Washington State Apple Blossom Festival; and  
WHEREAS, Queen Linda Laney and Princesses Ruth Gilbert and Peggy Shay have extended a gracious invitation to the people of Washington State to attend this year's festival to be held from April 26 through May 1;  
NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the officials and citizens in the Wenatchee area be complimented for their great contribution to this state, for their generous display of hospitality and civic pride, and for their accomplishment in developing one of the greatest tourist attractions in the United States.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence within the bar of the Senate Queen Linda Laney, Princesses Ruth Gilbert and Peggy Shay, Apple Blossom Festival Royalty from Wenatchee and appointed Senators Canfield, Jolly, McDougall and Knoblauch to escort the royalty to a place of honor upon the rostrum.

With leave of the Senate, business was suspended to permit Queen Linda Laney to address the Senate.

The committee of honor escorted the guests from the Senate Chamber.  
On motion of Senator Henry, the following resolution was adopted.

## SENATE RESOLUTION: 1971-20

By Senators Henry and Holman

WHEREAS, At the invitation of our Governor, the Vice President of the United States will shortly be visiting this state; and

WHEREAS, The people of this state for various and varying reasons have an interest and stake in seeing that the Vice President be suitably and properly received and entertained in every way commensurate with regard for the public, health, welfare and safety;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington in 42nd Legislative Session assembled That the House of Representatives forthwith introduce, pass, and return to this body a measure designed to cover under the industrial insurance law as individuals engaged in extra hazardous work all employees, players and spectators finding themselves in attendance on any golf course at a time when the Vice President is playing, practicing or demonstrating his golfing skill and techniques on such course.

## MOTION

On motion of Senator Day, there being no objection, Substitute Senate Bill No. 146 was removed from the second reading calendar and referred to the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

## SECOND READING

SENATE BILL NO 130, by Senators McDougall, Matson and Talley:

Authorizing parking and business improvement areas and special assessments therefor

## MOTION

On motion of Senator McDougall, Senate Bill No. 130 was ordered held following consideration of Senate Bill No 232.

SENATE BILL NO 237, by Senators Holman and Francis (by Judicial Council request).

Establishing attorneys' fees in divorce cases.

The bill was read the second time by sections.

On motion of Senator Glissberg the rules were suspended Senate Bill No 237 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

Debate ensued

## POINT OF INQUIRY

Senator Bailey: "Senator Holman, would you yield? Doesn't this in effect make the court the collection agency for the attorneys? In other words, instead of doing your legal duty as you have the power now and can ably do without going to a collection agency, you now say that the court, if they do not pay their bill, you are going to hold them in contempt of court because they have not paid the attorney's fees?"

Senator Holman: "They are actually in a sense a collection agency now but the point is that this is more or less consumer type bill simply because unless a party, say a poor lady wants to get a divorce, cannot assure an attorney that he is going to get paid for his work, she has trouble getting proper counsel. This is simply to give assurance that once the court has authorized the fee and it is set by the court, that it will be paid."

Senator Bailey: "Senator, then you say that the poor old lady, if she does not have the money and she does get a lawyer, then she is going to go to jail if she does not pay?"

Senator Holman: "No, this has to do with the defendant husband who is usually the party defendant in a case like this and the question is, how does he get the court to authorize his fee and then make certain that it is paid. So that the lady, the plaintiff in this situation, is not herself out of pocket to the attorney and then is looking toward the husband to get reimbursed. It is just a matter of the difference between what is an order and what is a judgment."

Senator Bailey: "Another question . . . then this would be a judgment not an order?"

Senator Holman: "That is the way I understand it."

Senator Bailey: "One more question of Senator Holman. That is, are these attorney fees, are you talking about the attorney fees that are listed on the court order collectible or the ones that the attorney makes with the client outside of the court order?"

Senator Holman: "No, it is the amount that the court actually approves."

Further debate ensued

## POINT OF INQUIRY

Senator Bailey: "Would Senator Atwood yield? Senator, I would judge that a number of these absconding debtors would be the ones that probably were on welfare. Does this give you then a prior claim enforceable against the state of Washington because they cannot afford to pay for their divorce but the state would have to pay?"

Senator Atwood: "No, the only time you can find them in contempt . . . if the man does not have any money and can show why he did not pay, he is not in contempt of court and the course does not lie against the state at all, it is against the individual."

Senator Bailey: "I would just like to point out Article I, section 17 of our state Constitution which forbids imprisonment for debt, except in the case of absconding debtors. I was just wondering if you are not bordering pretty close on the unconstitutional?"

Senator Atwood: "That is the very point that was argued in the Decker case. We argued that very strongly, that contempt would not lie for that reason, and the court said no, they put it on the terms of where there are children involved and support money that it is not really a debt, it is indirectly connected with the family rights."

Further debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 237, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 1; excused 1.

Voting yea: Senators Anderson, Atwood, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Grerve, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Waigren, Washington, Whetzel, Wilson, Woodall—45.

Voting nay: Senators Bailey, Stender—2.

Absent or not voting: Senator McCutcheon—1.

Excused: Senator Metcalf—1.

SENATE BILL NO. 237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 410, by Senators Matson, McDougall and Wilson:  
Providing for the regulation of horticultural plants.

## REPORT OF STANDING COMMITTEE

February 12, 1971.

SENATE BILL NO. 410, providing for the regulation of horticultural plants (reported by Committee on Agriculture and Horticulture)

MAJORITY recommendation. Do pass with the following amendments:

On page 5, section 7, line 13, after "assessment of" strike "up to" and on line 17 after "act" and before the period insert " PROVIDED, That the director may subsequent to a hearing, on or after this act has been in effect for a period of two years, reduce such assessment to conform with the costs necessary to carry out the fruit tree certification and nursery improvement programs specified in section 10 of this act."

On page 7, section 10, line 4, after "in the" and before "nursery" strike "Washington state" and insert "northwest".

On page 11, section 18, after line 27, insert the following paragraph.

"No publisher, radio broadcast licensee, advertising agency, or agency or medium for the dissemination of an advertisement, except the grower, packer, distributor, or seller of the article to which the advertisement relates, shall be subject to the penalties of section 27 of this act by reason of his dissemination of any false advertisement, unless he has refused on the request of the director to furnish the name and address of the grower, packer, distributor, seller, or advertising agency in the state of Washington, who caused him to disseminate such false advertisement."

On page 13, section 25, line 9, after "RCW" strike "43.69.34" and insert "43.79.330"

On page 13, section 25, beginning on line 12, after "act shall be" strike all of the material down to and including "RCW 43.79.330" on line 13 and insert "deposited in the northwest nursery fund."

Signed by: Senators Jolly, Chairman; Canfield, Day, Donohue, Huntley, Matson, Wilson.



The bill was read the second time by sections.

On motion of Senator Jolly the committee amendments were adopted.

On motion of Senator Jolly, the rules were suspended, Engrossed Senate Bill No. 410 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Talley: "I wonder if Senator Jolly would yield? Senator, I think with this bill you have achieved what you set out to do and that is to have good fruit trees and such as that in your area. But I do think with this bill that you have effectively stopped any neighborhood from having a stand or having a plant sale. These women that get together and have a little neighborhood plant sale could not do it under this bill. They would be in violation of the law completely. wouldn't they?"

Senator Jolly: "Senator Talley, this is Senator Matson's bill, I defer to him."

Senator Matson: "Senator Talley, if you read the bill, there is a section in which it exempts garden clubs if they do not hold a sale of more than three days in length more than once a year. This is section 3, page 3, line 9, you will find the exemption."

Senator Talley: "I guess it would be an exemption if they applied to the director thirty days in advance but that would be effectively muzzling the sale because it usually does not work that way."

Senator Matson: "This is true but we have a lot of small businessmen, grocery stores and other people involved in this business and it was our impression in the past that some of the garden clubs had misused the privilege of a private sale."

Further debate ensued.

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Matson yield? Senator, I not only share the concern with Senator Talley about the small clubs but I am concerned about the grocery store. I am not talking about small ones now that have plants in front of their grocery stores during the right season. For a long time the nursery people have tried to freeze all of these people out of business and get the business into their places. You told me this once before but what does this bill purport to do as it affects the people that are not operating right in a nursery itself?"

Senator Matson: "Senator Bailey, it is my understanding that a grocery store that is selling nursery plant products, will have their license fee raised five dollars and at the same time they will not have to pay for an inspection fee which up to this time was costing them five dollars. So in essence they come out about even."

Senator Bailey: "Senator Matson, it is not the intent then that by these broad directives that we always give the department of agriculture which are very confusing to us city slickers, the power to add an inspection fee on to this as they see fit by bureaucratic rule?"

Senator Matson: "That is certainly not my intent and if I thought it was, I would be the first to go to work with you to change that."

Senator Bailey: "It would not be the intent of this legislation to give them that power then?"

Senator Matson: "Not as far as I know."

#### POINT OF INQUIRY

Senator Canfield: "Would Senator Matson yield? Senator, where does the provision that casual sales are exempted from certain things like licenses and collection of sales tax and so on. In other words, if I went to a neighbor and he offered to sell me a plant for a little amount of money, would he be in violation of the law?"

Senator Matson: "Senator Canfield, I am not sure I can answer that."

Further debate ensued.

#### POINT OF INQUIRY

Senator Gaess: "Mr. President, I wonder if Senator Matson would yield? Senator, in examining the bill in section 1 I find no reference to the northwest nursery account, and I wonder about the amendment that we put on the bill, if these funds are going to go into an account from which you cannot retrieve them."

Senator Matson: "It is my understanding, and I am sure I am correct, that the northwest nursery fund is already an established fund and this is simply an addition to it."

MOTIONS

On motion of Senator Matson, Engrossed Senate Bill No. 410 was ordered placed on the third reading calendar for today.

On motion of Senator Mardesich, Senate Bill No. 232 was ordered to hold its place on the second reading calendar for Monday, March 1, 1971.

On motion of Senator McDougall, Senate Bill No. 130 was held on second reading for today following consideration of Senate Concurrent Resolution No. 5.

SECOND READING

SENATE BILL NO. 149, by Senators Talley, Connor and Peterson (Ted)

Authorizing a two hundred dollar minimum dues for members of the Washington Public Ports Association.

The Senate resumed consideration of Senate Bill No. 149 on second reading and the pending amendment to the title moved for adoption on Wednesday, February 24, 1971

Senator Greive moved adoption of the following amendment

Amend the committee amendment in NEW SECTION Sec. 3, line 4 of said section after "census" and before the comma, strike "may" and insert "shall"

POINT OF ORDER

Senator Mardesich: "I rise to make a point of order. I assume that it could be handled by another matter but we have already adopted this amendment and the point of order would be that we are now considering a matter already considered and adopted and it would be an improper procedure. I would assume that a suspension or whatever might be a more suitable method of handling it but it seems to me strictly on a procedural basis that the procedure would be out of order."

REMARKS BY SENATOR GREIVE

Senator Greive: "I would suggest that if the President so mind that he look at Reed's rule 140, a motion to strike and insert. I believe that that would be in this case."

MOTION

At 12:35 p.m., on motion of Senator Greive, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

Senators Andersen, Dore and Greive demanded a Call of the Senate.

A Call of the Senate was ordered

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber.

The Secretary called the roll on the Call of the Senate, all members being present except Senator Metcalf who had previously been excused.

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

MOTION

On motion of Senator Greive, the Senate immediately commenced consideration of Senate Bill No. 424 to be followed by Senate Bill No. 1

SECOND READING

SENATE BILL NO. 424, by Senators Dore, Donohue and Durkan:

Providing for revaluation of property at same time within county.

## REPORT OF STANDING COMMITTEE

February 26, 1971.

SENATE BILL NO 424, providing for revaluation of property at same time within a county (reported by Committee on Ways and Means).

MAJORITY recommendation. Do pass with the following amendments.

Strike all the matter after the enacting clause and insert the following

"NEW SECTION Section 1 Notwithstanding any provision of law to the contrary, the valuation of taxable property in any county which results solely from a plan of revaluation conducted with funds appropriated under the provisions of section 4, chapter 282, Laws of 1969 ex. sess. and section 1, chapter 95, Laws of 1970 ex. sess. shall be delayed and not used as a basis for the determination of assessed valuation until such time as all taxable property in the county has been revalued in accordance with such plan of revaluation.

NEW SECTION Sec. 2 During the period preceding the complete revaluation of all taxable property in the county in accordance with a plan of revaluation as referred to in section 1 of this act and in lieu of using the valuation resulting from such plan of revaluation, the assessed valuation which existed immediately prior to such revaluation shall be used and entered on the assessment list and tax roll except such assessed valuation may be adjusted to reflect an assessed valuation based on fifty percent of true and fair value in cases where a percentage lesser than fifty percent was used in the previous determination of such assessed valuation. This section shall be construed to apply retroactively so that the increases in assessed valuations of taxable property in any county which are the result of such plan of revaluation and which were entered on the assessment list and tax roll prior to the effective date of this act shall be removed from such assessment list and tax roll until all of the taxable property in the county is revalued in accordance with such plan of revaluation.

NEW SECTION. Sec. 3. The payment of taxes, the levy of which is affected by the provisions of this act, shall not be deemed delinquent when late payment is caused by the operative effect of this act.

NEW SECTION Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

In line 1 of the title after the semicolon following "property" and before the period on line 2 of the title, strike "and adding a new section to chapter 84.41 RCW" and insert "creating new sections, and declaring an emergency"

Signed by: Senators Durkan, Chairman, Bailey, Canfield, Connor, Day, Donohue, Dore, Fleming, Foley, Gissberg, Greive, Huntley, Jolly, Mardesich, Metcalf, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Talley, Walgren, Wilson.

The bill was read the second time by sections

Senator Dore moved adoption of the committee amendment

Senator Mardesich moved adoption of the following amendment to the committee amendment:

On page 1, after section 2, insert

"NEW SECTION Sec. 3. Every program of revaluation commenced by a county assessor prior to the effective date of this 1971 act shall progress at a rate which will result in revaluation of all taxable property within the county prior to May 31, 1972."

Remember the remaining sections consecutively.

The motion carried and the amendment to the committee amendment was adopted

The committee amendment as amended was adopted.

On motion of Senator Dore, the committee amendment to the title was adopted

On motion of Senator Dore, the rules were suspended, Engrossed Senate Bill No. 424 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

## POINT OF INQUIRY

Senator Holman: "Would Senator Dore yield to a question? Senator, passing the question of constitutionality for a moment, if section 2 should be enacted and become effective would it reduce the property taxes of the area in which you and Senator Ted Peterson reside? The school district would not receive the taxes presently shown on your tax statement but some lesser amount. From whom would they receive the amount which they do not receive from the property in this area, or would they just be short that amount in their budget?"

Senator Dore: "That is a good question, Senator. There are two possible ways to handle it. You may recall my statement earlier, in this area an additional six million dollars is being raised more than last year in this particular area and I would estimate probably that eighty percent of it is school money. They are really getting a windfall now because they levied their full maximum mills, as I understand. These figures were given to me by Mr. Morgan just two days ago."

"In my opinion the way mechanically it works is this. Those districts under the forty mills, now the twenty-two mills, they cannot have the assessor levy more than the maximum mills but they do not have to levy their maximum number of mills authorized. So what they do mechanically is they submit to, in King county Mr. Schriver, who is the chief accountant for Mr. Morgan, the amount of money that they need. He then determines within the maximum mills they can levy, how many mills he has to levy and in this case, of course, he has valuations in this area about three times higher or twice as high at least, than they would be if they were handled as everybody else.

"So he calculated 47.8 mills to be levied to raise X number of dollars. I am not entirely sure of my answer I am going to give you now but I think legally he would be entitled to go back and say, 'I made a mistake and set a levy of 47.8 mills throughout the county to achieve those X dollars. I will have to add two mills more or whatever it is in order to raise those dollars.'

"In my opinion, within the framework of the maximum number of mills that he can raise, then he would probably have to rebill the entire county maybe another one or two mills so the impact of the tax would be on a uniform basis throughout the county rather than being subsidized by a single area.

"Now the main thing is, the people of this area should not have to subsidize the rest of the county, which in effect is what has been happening here."

Senator Holman: "Senator Dore, then what you are saying, I think, is that if this becomes effective, every taxpayer in the county except in your and Senator Peterson's area may expect to receive another little supplemental Irish dividend from the county assessor. Is that what you are saying?"

Senator Dore: "I am saying it is possible I am not saying it will happen. I said if the schools feel that they would not have sufficient money, they might request the assessor to do that."

Further debate ensued.

#### POINT OF INQUIRY

Senator Stender: "Would Senator Ted Peterson yield? Senator, you spoke of the little old lady with the twenty-eight foot house and the forty foot lot paying three or four hundred dollars . . ."

Senator Peterson (Ted): "I have a lot of them out there Senator."

Senator Stender: "How much of that tax you speak of is specially voted millage?"

Senator Peterson (Ted): "About twenty-two mills."

Senator Stender: "In other words, the people voted this millage on and now are regretful of that?"

Senator Peterson (Ted): "I did not say they were regretful. I do not know how the little old lady voted either, Senator."

Senator Stender: "The point I am trying to make is that the taxes are high in my district, but we have been reassessed some years ago, probably two or three years ago. We are paying on a higher value. But in addition to the regular millage, we pay a considerable special millage."

"Now I assume in the city of Seattle they pay a special millage as well. Special millage is not affected at all by this particular bill and they will still be paying the special millage that was voted. Isn't that correct?"

Senator Peterson (Ted): "That is right."

Senator Stender: "So in other words all this money that they believe may be saved by this bill is not really going to be saved because the special millage is at least half of the tax bill."

Senator Peterson (Ted): "There is considerable saving there. If you check your tax statement, you will see that, Senator."

#### POINT OF INQUIRY

Senator Stender: "I wish somebody could explain to me where the savings is in this bill."

Senator Dore: "The savings is that it goes back on your old assessed valuation. Everybody in King county will be treated the same for this tax period. They will have their old assessed valuation times two, and it will be based on that. Without this bill, this particular area has about three times higher assessed valuation. It has gone up from ninety-one million to three hundred and sixteen million. So it will be dropped down to probably somewhere around one hundred and forty million assessed valuation in that area. So necessarily that will reduce the amount of dollars you pay on special levy."

Senator Stender: "One more question, Senator Dore. Your remarks lead me to another question. You indicate by your reply to my question that this problem is going to be spread out over the whole county? In other words, the relief that you want down in your district is going to be spread out into my district? Is that what you are saying? Where we re-evaluated about two or three years ago?"

Senator Dore: "I cannot answer it any better than I just did. As a result of this assessment there has been an increase in King county of thirty million. Of that thirty

million, six million has been raised in this particular area. If you treat us like you treat everybody else in King county for this tax year, that six million will probably reduce to two million dollars. Your question and Senator Holman's are the same, where do we get the four million dollars? I said the assessor, under the existing law, possibly might assess an extra two mills throughout the county. In other words, there are four hundred and fifty thousand parcels then will accept their burden and we too will accept our prorated share of that four million dollars instead of now just twenty-seven thousand householders accepting the burden of this four million dollars."

Further debate ensued.

### POINT OF INQUIRY

Senator Woodall: "Would Senator Dore yield? Senator, if a school district has passed a special levy based upon the valuations which have been arrived at and this is put in, what effect will that have on the special levy that the particular school district was banking on to run its budget with for this year?"

Senator Dore: "As I explained earlier, the mechanics of assessing special levies the schools give a tax bill to Mr. Schriver in King county anyway, who is the chief accountant of Mr. Morgan, and they say we need X number of dollars to run the schools this year. Levy enough mills in order to raise that amount. He is limited by the maximum number of mills he can raise. He then determines what the evaluation is and how many mills he has to levy."

Senator Woodall: "Senator, you are not quite getting my point. My point is, they have already voted it. Then we come along and we pass this bill. What does that do with the amount that they anticipated, so many mills bringing in? Granted if they have not done it yet, they can refigure the amount of mills they want to vote, but I am suggesting that they have already passed X amount of mills and based on the present assessment it was going to bring in so many dollars. Now you change this. What does it do?"

Senator Dore: "I can answer your question. In other words, the authorization of number of mills is merely the maximum number the assessor levies. He does not have to levy those maximum mills. Now the question you asked, in effect is the same question that Senators Holman and Stender asked and you are asking again part of the same question."

"When this appraised value goes back to being treated equally with everybody else in King county, we will lose some four million dollars. Really not lose it, it is surplus money they probably never figured they would get. They did not reduce their mills. They had the assessor levy the maximum mills. But the question is, and Senator Holman asked the same question, he said, 'We are going to be four million dollars short. How will we get it?'"

"Legally, in my opinion, and I have not thoroughly researched this, the assessor could then go back and then spread the burden of that four million dollars throughout the four hundred and fifty thousand parcels in the county rather than having it raised entirely by the twenty-seven thousand parcels in this area."

Senators Keefe, Sandison and Greive demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 424.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 424, and the bill passed the Senate by the following vote: Yeas, 40, nays, 8, excused, 1.

Voting yea: Senators Andersen, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Eicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Joly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesch, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Wilson - 40.

Voting nay: Senators Atwood, Clarke, McDougall, Matson, Murray, Stender, Whetzel, Woodall - 8.

Excused: Senator Metcalf - 1.

ENGROSSED SENATE BILL NO. 424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 1, by Senators Durkan and Odegaard.

Limiting the property tax raise in each taxing district.

REPORT OF STANDING COMMITTEE

February 26, 1971

SENATE BILL NO. 1, Limiting the property tax raise in each taxing district (reported by Committee on Ways and Means)

MAJORITY recommendation: Do pass with the following amendments

On page 1, beginning with "NEW SECTION" in line 4 strike everything down to and including the period after RCW on page 2, line 11 and insert the following.

"NEW SECTION. Section 1. As used in this chapter the term "regular property taxes" shall mean the total dollar amount of all property taxes levied for a taxing district except the state of Washington, excluding amounts resulting from levies for bond debt retirement and excess levies pursuant to article VII, section 2 of the Constitution of the State of Washington or RCW 84.52.052 or RCW 84.52.061.

"NEW SECTION. Sec. 2. Except as provided in sections 3, 4, 6 or 7 of this act, the levy for a taxing district in any year shall be set so that the regular property taxes payable in the following year shall not exceed one hundred six percent of the highest amount of regular property taxes lawfully levied for such district in the three most recent years in which such taxes were levied for such district plus an additional dollar amount calculated by multiplying the increase in assessed value in that district resulting from new construction and improvements to property by the regular property tax levy rate of that district for the preceding year.

"NEW SECTION. Sec. 3. Notwithstanding the limitation set forth in section 2 of this act, the first levy for a taxing district created from consolidation of similar taxing districts shall be set so that the regular property taxes payable in the following year shall not exceed one hundred six percent of the sum of the highest amount of regular property taxes lawfully levied for each component taxing district in the three most recent years in which such taxes were levied for such district plus the additional dollar amount calculated by multiplying the increase in assessed value in each component district resulting from new construction and improvements to property by the regular property tax rate of each component district for the preceding year.

"NEW SECTION. Sec. 4. For the first levy for a taxing district following annexation of additional property, the limitation set forth in section 2 of this act shall be increased by an amount equal to (1) the aggregate assessed valuation of the newly annexed property as shown by the current completed and balanced tax rolls of the county or counties within which such property lies, multiplied by (2) the millage rate that would have been used by the annexing unit in the absence of such annexation, plus (3) the additional dollar amount calculated by multiplying the increase in assessed value in the annexing district resulting from new constructions and improvements to property by the regular property tax levy rate of that annexing taxing district for the preceding year.

"NEW SECTION. Sec. 5. Solely for purposes of calculations pursuant to this chapter, the amount of the 1970 levy for taxes payable in 1971 shall not exceed the maximum levy permissible in 1970 if this chapter had been in effect for such 1970 levy.

"NEW SECTION. Sec. 6. If by reason of the operation of RCW 84.52.050, as now or hereafter amended the statutory millage limitation applicable to the levy by a taxing district has been increased over the statutory millage limitation applicable to such taxing district's levy in the preceding year, the limitation on the dollar amount of a levy provided for in this act shall be increased by multiplying the otherwise dollar limitation by a fraction, the numerator of which is the increased millage limitation and the denominator of which is the millage limitation for the prior year.

"NEW SECTION. Sec. 7. Subject to any otherwise applicable statutory millage limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in sections 2 through 6 of this act if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made. The ballot of the proposition shall state the millage rate proposed. After a levy authorized pursuant to this section is made, the dollar amount of such levy shall be used for the purpose of computing the limitations for subsequent levies provided for in this act.

"NEW SECTION. Sec. 8. Sections 1 through 7 are added to chapter 15, Laws of 1961 and to Title 84 RCW, and shall constitute a new chapter therein.

Sec. 9. Section 84.52.052, chapter 15, Laws of 1961 as amended by section 1, chapter 113, Laws of 1963 ex. sess. and RCW 84.52.052 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.058, or sections 1 through 7 of this 1971 amendatory act, shall not prevent the levy of additional taxes, not in excess of five mills a year and without anticipation of delinquencies in payment of taxes, in an amount equal to the interest and principal payable in the next succeeding year on general obligation bonds, outstanding on December 6, 1934 issued by or through the agency or the state or any county, city, town, or school district, or the levy of additional taxes to pay interest on or toward the reduction at the rates provided by statute of the principal of county, city, town, or school district warrants outstanding on December 6, 1932; but this millage limitation with respect to general obligation bonds shall not apply to any taxing district in which a larger levy is necessary in order to prevent the impairment of the

obligation of contracts. Any county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056, when authorized so to do by the electors of such county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, and not oftener than twice in such year, in the manner provided by law for holding general elections, at such time as may be fixed by the body authorized to call the same, which special election may be called by the board of county commissioners, board of school directors, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "Yes," and those opposed thereto to vote "No." PROVIDED, That the total number of persons voting at such special election must constitute not less than forty percent of the voters in said taxing district who voted at the last preceding general state election. PROVIDED FURTHER, That the total number of persons voting on an excess levy for school district purposes or for fire protection purposes or for cities and towns at any such special election of such districts or of any city or town must constitute not less than forty percent of the voters in such taxing district or in any city or town, as the case may be who voted at the last preceding general election in such district.

**NEW SECTION. Sec. 10.** During the period preceding the complete revaluation of all taxable property in the county in accordance with any plan of revaluation financed in full or in part by funds appropriated pursuant to section 4, chapter 282, Laws of 1969 1st ex. sess.; or section 1, chapter 95, Laws of 1970 ex. sess.; or section 25 of chapter —, Laws of 1971 (HB 51), and in lieu of using the valuation resulting from such plan of revaluation, the assessed valuation which existed immediately prior to such revaluation shall be used and entered on the assessment list and tax roll except such assessed valuation may be adjusted to reflect an assessed valuation based on fifty percent of true and fair value in cases where a percentage lesser than fifty percent was used in the previous determination of such assessed valuation. This section shall be construed to apply retroactively so that all assessed valuations of taxable property in any county which are based on such plan of revaluation and which were entered on the assessment list and tax roll prior to the effective date of this act shall be removed from such assessment list and tax roll until all of the taxable property in the county is revalued in accordance with such plan of revaluation.

**NEW SECTION. Sec. 11.** If any provision of this act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

In line 1 of the title after "taxation," and before "and" insert "amending section 84.52.052, chapter 15, Laws of 1951 as last amended by section 1, chapter 113, Laws of 1965 ex. sess. and RCW 84.52.052."

Signed by Senators Durkan, Chairman Bailey, Canfield, Connor, Day, Donohue, Dore, Fleming, Gissberg, Greive, Jolly, Mardesich, Odegard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Wilson.

The bill was read the second time by sections.

Senator Durkan moved adoption of the committee amendments.

On motion of Senator Durkan, the following amendment to the committee amendment was adopted:

Strike section 10.

Debate ensued.

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Durkan yield? Senator, you probably have answered my question in your talk, but I want on the Senate record an answer to this question. It is the intent of this legislation and your understanding of this legislation that we have not prohibited school districts from going for special levies in excess of the amount of millage established by the pro rata lowering of millage due to setting a dollar amount on the property tax?"

Senator Durkan: "No, under the new section 9, Senator, they can go immediately to the excess levy or they can go to the majority vote to raise it up. They have their choice or they can go for both."

# POINT OF INQUIRY

Senator Atwood. "Would Senator Durkan yield? Senator, I assume by your remarks that the effect of this bill will, since we are putting a lid on the revaluation program as it comes on the line, that the pressure is going to be more and more on the extending it on the other end to increase the reliance on bigger special levies, if what I take from your remarks on what this bill does."

Senator Durkan. "I think, in all candor, Senator, it could be the result will be the local taxing districts will go to excess levies more."

Senator Atwood. "I take it from your remarks also that the school districts will be forced to greater special levies if this bill goes into effect?"

Senator Durkan. "No I did not say that, Senator I said what it does is gives the people an opportunity to do either. The levy will be below the regular millage that they are entitled to. So by majority vote they can go back to that and/or excess levies."

Further debate ensued

The committee amendment as amended was adopted

On motion of Senator Durkan, the committee amendment to the title was adopted

On motion of Senator Durkan, the rules were suspended, Engrossed Senate Bill No. 1 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Durkan, Keefe and Sandison demanded the previous question and the demand was sustained

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 1.

# ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 1, and the bill passed the Senate by the following vote. Yeas, 47, nays, 1; excused, 1

Voting yea Senators Andersen Atwood, Bauey, Canfield Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesch, Matson, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Siender, Stortum, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-47.

Voting nay Senator Murray-1.

Excused: Senator Metcalf-1.

ENGROSSED SENATE BILL NO 1, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

# MOTIONS

On motion of Senator Greive, the Senate dispensed with the Cal of the Senate.

At 3.45 p.m., on motion of Senator Greive, the Senate adjourned until 10.00 a.m., Saturday, February 27, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



## FORTY-EIGHTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Saturday, February 27, 1971.

The Senate was called to order at 11.00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Day, Durkan, Fleming, Keefe, Mardesich, Stender and Walgren. On motion of Senator Knoblauch, Senators Day, Durkan, Fleming and Keefe were excused. On motion of Senator Gissberg, Senator Mardesich was excused. On motion of Senator McDougall, Senator Stender was excused.

The Color Guard, consisting of Pages Sheila Bleakney, Color Bearer, and John Shaw presented the Colors. Reverend Glen D. Cole, pastor of First Assembly of God Church of Olympia, offered prayer as follows.

"Our Heavenly Father, teach us again today to draw upon Your resources. To realize that man at his best needs Divine assistance. We do not know what snares may lie hidden in the path of life today. So we pray, be Thou our Enlightener! Watch over this assembly with guiding love. Direct their minds by Thy gracious presence. As the needs and problems of this State are worked on, correct any wanderings from that which is not right. Without You, Lord, nothing is strong, nothing is lasting, nothing is holy. May this body be able to evaluate things in such a way that they lose not sight of the eternal and that which is best for the majority."

"We confess this hour, our mortal weaknesses. Let us not presume to trust in ourselves. Grant that we, being weak, may always have You before our eyes, to follow Thee, our Guide. We ask this for our nation, for our state, and in particular for these Senators today. Through Jesus Christ our Lord. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## MESSAGES FROM THE HOUSE

February 26, 1971

Mr. President. The House has passed SENATE JOINT RESOLUTION NO. 1, and the same is herewith transmitted, DONALD R. WILSON, Assistant Chief Clerk.

February 26, 1971.

Mr. President. The House has adopted ENGROSSED SENATE CONCURRENT RESOLUTION NO. 17 with the following amendment:

On page 1 strike lines 1 through 20 and insert the following.

"BE IT RESOLVED, By the Senate, the House of Representatives concurring, that commencing at 4:00 p.m. on Friday, the fifth day of March, 1971 the fifty-fourth day of the regular session, except for appropriation and revenue bills, the Senate will only consider House bills and the House will only consider Senate bills; and

BE IT FURTHER RESOLVED, That after 4:00 p.m. on Tuesday, the ninth day of March, the fifty-eighth day of the session, neither the Senate nor the House shall consider any bills except appropriation and revenue bills; and

BE IT FURTHER RESOLVED, That action on the bill under consideration at 4:00 p.m., Friday, March 5th will be completed, and that action on the bill under consideration at 4:00 p.m., Tuesday, March 9th will be completed.

BE IT FURTHER RESOLVED, That commencing at 4:00 p.m., Tuesday, March 9th, the only additional matters which will be considered by either house shall be messages pertaining to amendments, matters of differences between the Senate and House, conference and free conference reports, and matters incident and pertaining to the interim and to the closing of the business of the forty-second session of the legislature.

AND BE IT FURTHER RESOLVED That in the event the Governor shall call an extraordinary session of the Forty-second Legislature to be convened immediately following adjournment of the regular session, then immediately prior to adjournment and at the end of this Forty-second Regular Session of the Legislature

(1) The Senate shall transmit to the House all House bills, resolutions, and memorials in its possession which have not been passed by the Senate and upon receipt by the House of such measures, they shall be assigned to the Committee on Rules and Administration, and  
(2) The House shall transmit to the Senate all Senate bills, resolutions, and memorials in its possession which have not been passed by the House, and upon receipt by the Senate of such measures they shall be assigned to the Committee on Rules and Joint Rules.

AND BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Chief Clerk of the House of Representatives shall retain in their possession and in the status which exists upon the adjournment sine die of the Forty-second Regular Session, all legislative measures including all bills, resolutions, and memorials which may at that time be in their respective Houses and all records, journals, dockets, and other documents pertaining thereto, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

# MOTION

On motion of Senator Bailey, the Senate concurred in the House amendment to Engrossed Senate Concurrent Resolution No. 17 and the resolution, as amended by the House, was adopted.

# SIGNED BY THE PRESIDENT

The President signed.

SENATE JOINT RESOLUTION NO. 1.

# INTRODUCTION AND FIRST READING

SENATE BILL NO. 851, by Senator Day.

An Act relating to revenue and taxation and empowering townships to make excess property tax levies; amending section 1, chapter 243, Laws of 1969 ex sess and RCW 45.82.010; amending section 1, chapter 165, Laws of 1953, as last amended by section 4, chapter 243, Laws of 1969 ex sess and RCW 45.12.100, and amending section 84.52.052, chapter 15, Laws of 1961, as last amended by section 1, chapter 113, Laws of 1965 ex sess and RCW 84.52.052.

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 852, by Senators Jolly, Lewis, Canfield and Bailey:

An Act relating to revenue and taxation; and providing for the taxation of certain steam powered electric generating facilities and the distribution of moneys received therefrom.

Referred to Committee on Ways and Means—Revenue and Taxation.

# SECOND READING

SENATE BILL NO. 149 by Senators Talley, Connor and Peterson (Ted)

Authorizing a two hundred dollar minimum dues for members of the Washington Public Ports Association.

The Senate resumed consideration of Senate Bill No. 149 on second reading and the following pending amendment by Senator Greive.

Amend the committee amendment in NEW SECTION. Sec. 3, line 4 of said section after "census" and before the comma, strike "may" and insert "shall", and the point of order as raised by Senator Mardesch.

# RULING BY THE PRESIDENT

The President: "The President, in ruling upon the point of order as presented by Senator Mardesch rules that under the provisions of Rule 136 and to quote, 'If the amendment is decided in the affirmative, then the words inserted cannot any of them be stricken out except with other words and then only with other words they constitute a new proposition.'

'Since Senator Mardesch's amendment to the amendment struck 'shall' and inserted 'may, by adoption of port commission resolution authorizing same,' the President rules that Senator Greive's amendment does not fulfill the provisions required and therefore the point of order presented by Senator Mardesch is well taken."

## MOTION FOR RECONSIDERATION

Senator Ridder: "Having voted on the prevailing side, I move to reconsider the action taken yesterday on the amendment by Senators McDougall and Greive, as amended by Senator Mardesch."

Senator Greive: "Mr. President, if you will examine Rule 31, you will find that motions on an amendment may, it says 'may' be considered immediately. The ruling in the past has been that any time you are at the same stage of the proceedings, a motion to reconsider is in order, obviously this is the same stage of the proceedings, in other words, second reading. There would be no reason why you could not reconsider an amendment."

Senator Atwood: "There was no action taken on the amendment yesterday."

## POINT OF INQUIRY

Senator Bailey: "Was that vote by a roll call or was that a voice vote? How would you determine whether Senator Ridder was on the prevailing side?"

## PRESIDENT'S REMARKS

The President: "The Secretary has advised the President that the amendment to the amendment was adopted by a voice vote, Senator Bailey. It would be impossible for the President to determine whether or not Senator Ridder voted upon the prevailing side but the President does believe in the integrity of Senator Ridder and the other members of the Senate and therefore would be willing to believe that Senator Ridder did vote upon the prevailing side."

Senator Atwood: "Mr. President, this amendment was adopted several days ago, I believe. It was not adopted yesterday. No notice was properly given on the day it was adopted. I think the records would reveal that the amendment was adopted early in the week, not yesterday."

## PRESIDENT'S REMARKS

The President: "It is true, Senator Atwood, that the records will show that the amendment to the amendment and the amendment as amended was adopted several days ago. However, the remarks of Senator Greive are correct in the sense that the measure is still before the Senate on second reading and no intervening business has taken place upon the adoption of the amendment as amended."

"The President believes that the situation can be resolved if the Senate wishes by reconsidering the amendment as amended, then the amendment to the amendment by Senator Mardesch has to be reconsidered before the amendment proposed by Senator Greive can be considered."

## PARLIAMENTARY INQUIRY

Senator Gissberg: "I am not involved in this at all but I want to be very sure now as to what the ruling of the President is on this and the implications that will necessarily flow from this precedent and that is I assume that therefore anytime, whether a week has gone by or whatever, as long as the bill is hanging here in the calendar that you can go back and do what we are about to do on any bill. That could pose some problems, I would think. I had not been under that impression that the rulings have been otherwise."

## PRESIDENT'S REMARKS

The President: "The Secretary and the President have examined the records and have found that Senate Bill No. 149 has possessed the same status over the past several days and the President believes that just the same as if the bill was being acted upon as of several days ago."

## PARLIAMENTARY INQUIRY

Senator Holman: "Is it not the case that we adopted Senator Mardesch's amendment to the amendment and then subsequent to that adopted the amendment as amended by Senator Mardesch? If we are now reconsidering Senator Mardesch's amendment to the amendment, it seems to me there was intervening business and that a point of order should be made, if that is the sequence."

## REMARKS BY SENATOR GREIVE

Senator Greive: "I think that it was not an amendment to an amendment by Senator

Mardesich. It was an amendment by Senator McDougall and myself and it was an amendment by Senator Mardesich to that amendment."

#### REMARKS BY SENATOR HOLMAN

Senator Holman. "Mr. President, I understood Senator Ridder saying that having voted on the prevailing side on Senator Mardesich's amendment to the amendment, he moved for reconsideration. The point of order was then made that this was proper to move for reconsideration of that because there had been no intervening business.

"My inquiry is whether in fact there was not intervening business, to wit, the adoption of the amendment by Senators Greive and McDougall as amended by Senator Mardesich, which was acted upon by the body and passed. Isn't that the case?"

#### PRESIDENT'S REMARKS

The President: "The Senator has stated the course of action taken by the Senate. The President in restating Senator Ridder's motion, stated in the manner that the Senate would be voting upon the reconsideration of the amendment as amended, and then subsequently would have to reconsider the vote by which Senator Mardesich's amendment to the amendment was adopted.

The President declared the question before the Senate to be the motion by Senator Ridder for reconsideration of the amendment as amended.

The motion carried on a rising vote.

#### MOTION

On motion of Senator Lewis, Senate Bill No. 149 was ordered held on the second reading calendar for Monday, March 1, 1971 and the motion for reconsideration by Senator Ridder on the amendment to the amendment.

SENATE CONCURRENT RESOLUTION NO. 2, by Senators Atwood, Foley and Canfield (by Legislative Budget Committee request):

Providing for a study of a single distribution method for funds for the common schools.

#### REPORT OF STANDING COMMITTEE

February 4, 1971

SENATE CONCURRENT RESOLUTION NO. 2, providing for a study of a single distribution method for funds for the common schools (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 11, after "Committee" and before "prior" insert "and to the Joint Committee on Education"

Signed by: Senators Francis, Chairman, Gardner, Metcalf, Odegaard, Peterson (Ted), Ridder, Washington

The resolution was read the second time in full.

On motion of Senator Atwood, the committee amendment was adopted.

On motion of Senator Atwood, the rules were suspended, Engrossed Senate Concurrent Resolution No. 2 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 2, and the resolution passed the Senate by the following vote: Yeas, 42, nays, 1; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Donohue, Dore, Ehcker, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newchwander, Odegaard, Peterson (Lowe.), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodal. 42

Voting nay: Senator Gardner—1.

Excused: Senators Cooney, Day, Durkan, Fleming, Keefe, Stender—6.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 2, having received the constitutional majority, was declared passed.

SENATE CONCURRENT RESOLUTION NO. 5, by Senators Atwood, Dore and Canfield

Providing for review of community college program costs

The resolution was read the second time in full

On motion of Senator Atwood, the rules were suspended. Senate Concurrent Resolution No. 5 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 5 and the resolution passed the Senate by the following vote: Yeas, 42, absent or not voting, 1; excused 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Donohue, Dore, Ellicker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Tahey, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Cooney, Day, Durkan, Fleming, Keefe, Stender—6.

SENATE CONCURRENT RESOLUTION NO. 5, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator McDougall, Senate Bill No. 130 was ordered placed at the beginning of the second reading calendar for Monday, March 1, 1971.

SENATE CONCURRENT RESOLUTION NO. 10, by Senators Ridder, Peterson (Ted), Francis, Scott, Whetzel, Matson, Washington, Murray, Metcalf, Walgren, Fleming, Odegaard, Huntley, Holman and Stortini:

Authorizing a study of day care services.

The resolution was read the second time in full.

On motion of Senator Ridder, the rules were suspended, Senate Concurrent Resolution No. 10 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 10, and the resolution passed the Senate by the following vote: Yeas, 39, nays, 2, absent or not voting 2; excused 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Donohue, Dore, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Tahey, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Voting nay: Senators Clarke, Newschwander—2.

Absent or not voting: Senators Ellicker, McCutcheon—2.

Excused: Senators Cooney, Day, Durkan, Fleming, Keefe, Stender—6.

SENATE CONCURRENT RESOLUTION NO. 10, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Wilson, Senate Joint Resolution No. 13 was ordered to hold its place on the second reading calendar for Monday, March 1, 1971.

THIRD READING

SENATE BILL NO. 410, by Senators Matson, McDougall and Wilson:

Providing for the regulation of horticulture plants

The Senate resumed consideration of Senate Bill No. 410 on third reading.

MOTION

On motion of Senator Jolly, the rules were suspended and Senate Bill No. 410 was returned to second reading

Senator Canfield moved adoption of the following amendment

On page 4, section 3, line 3, after "to" insert "persons making casual or isolated sales nor to"

POINT OF INQUIRY

Senator Knoblauch: "Would Senator Canfield yield? Senator, how does this affect the sale in my area where we raise lots of daffodils and tulips, as far as selling them alongside the roadside?"

Senator Canfield: "Senator, do you have to take out licenses now for sales tax and permits and so on for that? In other words, is it being done as a business?"

Senator Knoblauch: "Frankly, I am not sure how it works."

Senator Canfield: "Anyway, what I am trying to do here is not to interfere in the carrying on of a business. I think that if you have a roadside stand and you are carrying on regular sales, you probably should take out a license and a permit and pay sales tax and come under the regulation of this act as well. But if I would come to you, Senator, and would buy a daffodil bulb from you and would do that once every twenty or thirty years or maybe just once in a lifetime, you would not have to take out a permit to do that."

POINT OF INQUIRY

Senator Woodall: "Would one of the sponsoring Senators yield to a question? Senator Matson, was the initial thrust of this measure to protect nursery stock so that the orchardist got clean trees and trees that were true to type? Was that your initial interest in the measure?"

Senator Matson: "The initial interest in the measure was to allow the nursery industry to assess itself for a certification program. Now if I may go a little further, these other questions that have been brought up, particularly by Senator Knoblauch; I assume if some group of young people has a casual sale alongside the road they would be covered under casual sales. If it is a business enterprise, they are presently under the law and some of the further amendments here, when we get to them, I will explain what the difference is between the law now and what this bill proposes."

Senator Woodall: "One further question. Every spring you see groceries, roadside stands and others selling bedding plants, petunias and zinnias and different flowers. Is the director of agriculture reaching out and getting a whole new area that he is going to be checking each and every place that sells some bedding plants in the spring where they start these little plants in advance?"

Senator Matson: "Senator Woodall, under present law that type of an operation, the grocery store, the roadside farmer with his stand, is licensed under the law and depending on which category he fits in, he is licensed on a basis of fifteen or twenty dollars a year. In addition to that, he has to have two facility inspections from the department a year at five dollars each. While we are not considering this particular part of the bill at this time, under the new law he would be charged a flat twenty-five dollars and his facility inspections would be free."

Further debate ensued.

MOTION

On motion of Senator Knoblauch, Senate Bill No. 410 was ordered to hold its place on the second reading calendar for Monday, March 1, 1971.

SENATE CONCURRENT RESOLUTION NO. 3, by Senators Mardesich, Atwood and Foley (by Legislative Budget Committee request):

Authorizing a study of community college funds.

The Senate resumed consideration of Senate Concurrent Resolution No. 3 on third reading.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 3, and the resolution passed the Senate by the following vote: Yeas 40, nays, 1; absent or not voting, 2; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Donohue, Dore, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall - 40

Voting nay: Senator Gardner - 1

Absent or not voting: Senators Elicker, McCutcheon - 2

Excused: Senators Cooney, Day, Durkan, Fleming, Keefe, Stender - 6.

SENATE CONCURRENT RESOLUTION NO. 3, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Bailey, Senator McCutcheon was excused.

#### GUBERNATORIAL APPOINTMENT

It was moved by Senator Lewis, that the appointment of Jack Nelson to the position of Director of the Department of Motor Vehicles be now confirmed.

The motion carried.

#### CONFIRMATION OF JACK NELSON

The Secretary called the roll and the appointment of Jack Nelson to the position of Director of the Department of Motor Vehicles was confirmed by the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall - 42

Absent or not voting: Senator Elicker - 1

Excused: Senators Day, Durkan, Fleming, Keefe, McCutcheon, Stender - 6.

There being no objection, the Senate returned to the seventh order of business.

#### SECOND READING

SENATE BILL NO. 227, by Senators Holman and Washington (by departmental request):

Providing for the limiting of liability of physicians or hospitals for the provision of emergency medical or hospital care.

REPORT OF STANDING COMMITTEE

February 11, 1971.

SENATE BILL NO. 227, providing for the limiting of liability of physicians or hospitals for the provision of emergency medical or hospital care (reported by Judiciary Committee)

MAJORITY recommendation: Do pass with the following amendment  
On line 5, section 1, after "based" and before "upon" insert "solely"

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Clarke, Francis, Holman, Twigg, Walgren

The bill was read the second time by sections.

On motion of Senator Gissberg, the committee amendment was adopted.

On motion of Senator Gissberg, the rules were suspended, Engrossed Senate Bill No 227 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No 227, and the bill passed the Senate by the following vote. Yeas, 42, absent or not voting, 1, excused, 6.

Voting Yea Senators Andersen, Atwood, Bailey, Canfield, Clarke Connor, Donohue, Dore, Ehcker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stormi, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-42

Absent or not voting: Senator Cooney-1.

Excused: Senators Day, Durkan, Fleming, Keefe, McCutcheon, Stender-6.

ENGROSSED SENATE BILL NO. 227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Foley, the rules were suspended and a roll call was demanded on Engrossed Senate Concurrent Resolution No 2, Senate Concurrent Resolutions 3, 5 and 10

On motion of Senator Gissberg, the rules were suspended and the Senate immediately began consideration of Senate Bill No. 130

SENATE BILL NO. 130, by Senators McDougall, Matson and Talley:

Authorizing parking and business improvement areas and special assessments therefor

REPORT OF STANDING COMMITTEE

February 17, 1971.

SENATE BILL NO. 130, authorizing parking and business improvement areas and special assessments therefor (reported by Committee on Cities, Towns and Counties)

MAJORITY recommendation: Do pass with the following amendments:

On page 5, after section 18 on line 26, add the following new sections

"NEW SECTION Sec. 19. Any city or town authorized by this act to establish a parking improvement area shall call for competitive bids by appropriate public notice and award contracts, whenever the estimated cost of such work or improvement, including cost of materials, supplies and equipment, exceeds the sum of two thousand five hundred dollars.

NEW SECTION. Sec. 20. The cost of the improvement for the purposes of this act shall be the aggregate of all amounts to be paid for the labor, materials and equipment on one continuous or inter-related project where work is to be performed simultaneously or in near sequence. Breaking an improvement into small units for the purpose of avoiding the minimum dollar amount prescribed in section 19 of this act is contrary to public policy and is prohibited.

Renumber the remaining sections consecutively.

On page 6, line 3, after "Sections" and before "of" strike "1 through 20" and insert "1 through 22"



Signed by Senators Connor, Chairman, Elicker, Herr, McDougall, Peterson (Ted), Rudder, Talley, Wilson.

The bill was read the second time by sections.

On motion of Senator McDougall, the committee amendments were not adopted.

Senator McDougall moved adoption of the following amendment:

On page 1, section 1, line 5 after "Section 1," strike the remainder of the bill and insert.

"The legislature hereby authorizes all incorporated cities and towns, including unclassified cities and towns operating under special charters:

(1) To establish parking and business improvement areas, hereafter referred to as area or areas, for the following purposes:

a) The acquisition, construction or maintenance of parking facilities for the benefit of the area;

(b) Decoration of any public place in the area,

(c) Promotion of public events which are to take place on or in public places in the area;

(d) Furnishing of music in any public place in the area,

(e) The general promotion of retail trade activities in the area.

(2) To levy special assessments on all businesses within the area and specially benefited by a parking and business improvement area to pay in whole or in part the damages or costs incurred therein as provided in this act.

(3) To provide in accordance with any applicable provisions of the Constitution or statutory authority for the issuance and sale of revenue bonds to finance the cost of any parking and business improvement area.

NEW SECTION Sec. 2. (1) "Business" as used in this act means all types of business, including professions.

(2) "Legislative authority" as used in this act means the legislative authority of any city or town including unclassified cities or towns operating under special charters.

NEW SECTION Sec. 3. The legislative authority shall adopt a resolution of intention to establish an area. The resolution shall contain the following information:

(1) Description of the boundaries of the proposed area;

(2) The time and place of a hearing to be held by the legislative authority to consider establishment of an area,

(3) The proposed uses to which the proposed special assessment revenues shall be put, and

(4) The initial or additional rate or levy of special assessment with a breakdown by class of business if such classification is to be used.

NEW SECTION Sec. 4. Notice of a hearing held under the provisions of this act shall be given by:

(1) One publication of the resolution of intention in a newspaper of general circulation in the city, and

(2) Mailing a complete copy of the resolution of intention to each business in the proposed or established area. Publication and mailing shall be completed at least ten days prior to the time of the hearing.

NEW SECTION Sec. 5. Whenever a hearing is held under this act, the legislative authority shall hear all protests and receive evidence for or against the proposed action. The legislative authority may continue the hearing from time to time. Proceedings shall terminate if protest is made by businesses in the proposed area which would pay a majority of the proposed special assessments.

NEW SECTION Sec. 6. If the legislative authority decides to change the boundaries of the proposed area, the hearing shall be continued to a time at least fifteen days after such decision and notice shall be given as prescribed in section 4 of this act, showing the boundary amendments, but no resolution of intention is required.

NEW SECTION Sec. 7. For purposes of the special assessments to be imposed pursuant to this act, the legislative authority may make a reasonable classification of businesses, giving consideration to various factors, including the degree of benefit received from parking only.

NEW SECTION Sec. 8. The special assessments need not be imposed on different classes of business, as determined pursuant to section 7 of this act, on the same basis or the same rate. PROVIDED, HOWEVER, That the special assessments imposed for the purpose of the acquisition, construction or maintenance of parking facilities for the benefit of the area shall be imposed on the basis of benefit determined by the legislative authority after giving consideration to the total cost to be recovered from the businesses upon which the special assessment is to be imposed, the total area within the boundaries of the parking and business improvement area, the assessed value of the land and improvements within the area, the total business volume generated within the area and within each business, and such other factors as the legislative authority may find and determine to be a reasonable measure of such benefit.

NEW SECTION Sec. 9. If the legislative authority, following the hearing, decides to establish the proposed area, it shall adopt an ordinance to that effect. This ordinance shall contain the following information:

(1) The number, date and title of the resolution of intention pursuant to which it was adopted,

- (2) The time and place the hearing was held concerning the formation of such area;
  - (3) The description of the boundaries of such area;
  - (4) A statement that the businesses in the area established by the ordinance shall be subject to the provisions of the special assessments authorized by section 1 of this act;
  - (5) The initial or additional rate or levy of special assessment to be imposed with a breakdown by classification of business, if such classification is used; and
  - (6) A statement that a parking and business improvement area has been established.
- (7) The uses to which the special assessment revenue shall be put: PROVIDED, HOWEVER, That such use shall conform to the use as declared in the resolution of intention issued pursuant to section 3 of this act.

**NEW SECTION Sec 10** The legislative authority of each city or town shall have sole discretion as to how the revenue derived from the special assessments is to be used within the scope of the purposes, however, the legislative authority may appoint existing advisory boards or commissions to make recommendations as to its use, or the legislative authority may create a new advisory board or commission for the purpose.

**NEW SECTION Sec 11** The special assessments levied hereunder must be for the purposes specified in the ordinances and the proceeds shall not be used for any other purpose.

**NEW SECTION Sec. 12.** Collections of assessments imposed pursuant to this act shall be made at the same time and in the same manner as otherwise prescribed by Title 35 RCW or in such other manner as the legislative authority shall determine.

**NEW SECTION Sec. 13.** Changes may be made in the rate or additional rate of special assessment, as specified in the ordinance establishing the area, by ordinance adopted after a hearing before the legislative authority.

The legislative authority shall adopt a resolution of intention to change the rate or additional rate of special assessment at least fifteen days prior to the hearing required by this section. This resolution shall specify the proposed change and shall give the time and place of the hearing.

**NEW SECTION Sec 14.** The legislative authority may for each of the purposes set out in section 1 of this act establish and modify one or more separate benefit zones based upon the degree of benefit derived from the purpose and may impose a different rate of special assessment within each such benefit zone.

**NEW SECTION. Sec. 15.** All provisions of this act applicable to establishment or disestablishment of an area also apply to the establishment, modification, or disestablishment of benefit zones pursuant to section 12 of this act. The establishment or the modification of any such zone shall follow the same procedure as provided for the establishment of a parking and business improvement area and the disestablishment shall follow the same procedure as provided for disestablishment of an area.

**NEW SECTION Sec. 16.** Businesses established after the creation of an area within the area may be exempted from the special assessments imposed pursuant to this act for a period not exceeding one year from the date they commenced business in the area.

**NEW SECTION. Sec. 17.** The legislative authority may disestablish an area by ordinance after a hearing before the legislative authority.

The legislative authority shall adopt a resolution of intention to disestablish the area at least fifteen days prior to the hearing required by this section. The resolution shall give the time and place of the hearing.

**NEW SECTION Sec 18** Upon disestablishment of an area, any proceeds of the special assessments, or assets acquired with such proceeds, or liabilities incurred as a result of the formation of such area, shall be subject to disposition as the legislative authority shall determine. PROVIDED HOWEVER, Any liability, either current or future, incurred as a result of action taken to accomplish the purposes of section 1 of this act shall not be an obligation of the general fund or any special fund of the city or town, but such liabilities shall be provided for entirely from available revenue generated from the projects or facilities authorized by section 1 of this act or from special assessments on the property specially benefited within the area.

**NEW SECTION. Sec. 19.** Any city or town authorized by this act to establish a parking improvement area shall call for competitive bids by appropriate public notice and award contracts, whenever the estimated cost of such work or improvement, including cost of materials, supplies and equipment, exceeds the sum of two thousand five hundred dollars.

**NEW SECTION Sec. 20.** The cost of the improvement for the purposes of this act shall be aggregate of all amounts to be paid for the labor, materials and equipment on one continuous or inter-related project where work is to be performed simultaneously or in near sequence. Breaking an improvement into small units for the purposes of avoiding the minimum dollar amount prescribed in section 19 of this act is contrary to public policy and is prohibited.

**NEW SECTION. Sec. 21.** This act providing for parking and business improvement areas shall not be deemed or construed to affect any existing act, or any part thereof, relating to special assessments or other powers of cities and towns, but shall be supplemental thereto and concurrent therewith.

**NEW SECTION Sec 22** If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION Sec 23** Sections 1 through 22 of this act are hereby added to Title 35 RCW

## POINT OF INQUIRY

Senator Dore: "Would Senator McDougall yield to a question? Would this mandate the municipality to submit the operation of these parking lots to private operators or could they in their own volition if they wanted to and thought it was desirable to, conduct them themselves?"

Senator McDougall: "As I envision the bill, there could be revenue bonds issued for the construction of these against the business tax or against the business property for that purpose. As to who would actually operate the parking lot itself, there is no reason why private industry could not

Senator Dore: "I would like a specific answer because I am going to vote against it if public funds are being used to finance the construction and operation of parking lots if they are going to be turned over to private parties."

Senator McDougall: "No, sir, public funds per se will not be used for that purpose."

Senator Dore: "There is no provision in the bill for that, right? The answer is 'no' to my question?"

Senator McDougall: "As I interpret the bill, the business taxes will be used for that purpose."

## POINT OF INQUIRY

Senator Dore: "Senator Mardesch, I wonder if you might take the microphone and answer my question so we would have some legislative intent?"

Senator Mardesch: "There are no provisions in this measure relating to who shall handle the facility after it is constructed. There is no reference to it so the implication would be that the city could either operate it itself or I assume if they desired, they could contract out."

The motion carried and the amendment was adopted.

On motion of Senator McDougall, the rules were suspended, Engrossed Senate Bill No. 130 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Talley, Engrossed Senate Bill No. 130 was ordered held on the third reading calendar for Monday, March 1, 1971.

## SECOND READING

SENATE BILL NO 446, by Senators Donohue, Henry, Jolly, Talley, Day, Peterson (Lowell), Buley, Twigg, Canfield, Wagren, Mardesch, Odegaard, Wilson, Washington and Huntley:

Regulating custom meat facilities

## MOTION

On motion of Senator Jolly, Substitute Senate Bill No. 446 was substituted for Senate Bill No. 446 and the substitute bill was read the second time in full.

On motion of Senator Donohue, the following amendments were adopted:

On page 4, following "Issued" on line 22, insert a new section 7 as follows:

"NEW SECTION Sec. 7. The department of agriculture shall, within ninety days after the effective date of this 1971 amendatory act, promulgate the rules and regulations provided for herein, and give notice that a hearing will be held to determine that such rules, regulations, or orders will be applicable to the provisions of this 1971 amendatory act. Such rules shall be in accordance with the requirements of chapter 34.04 RCW as now or hereafter amended. All rules and regulations promulgated subsequent to the adoption of the initial rules and regulations provided for in this 1971 amendatory act, shall be adopted in accordance with chapter 34.04 RCW, as now or hereafter amended."

Renumber old section 7 as section 8

On page 5, beginning on line 25, strike all of old section 8 renumbered section 9, and insert the following:

"NEW SECTION Sec. 9. This act shall in no way supersede or restrict the authority of any class AA or class A county or any first class city of 100,000 population or more to adopt ordinances which are more restrictive for the handling of meat than those provided for herein."

On motion of Senator Donohue, the rules were suspended, Engrossed Substitute

Senate Bill No. 446 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 446, and the bill passed the Senate by the following vote: Yeas, 42, absent or not voting, 1; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Donohue, Dore, Elcker, Foley, Francis, Gardner, Gissberg, Greve, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42

Absent or not voting: Senator McCutcheon—1

Excused: Senators Cooney, Day, Durkan, Fleming, Keefe, Stender—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 446, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 11:35 p.m., on motion of Senator Greve, the Senate adjourned until 12:00 noon, Monday, March 1, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate

## FIFTIETH DAY

## NOON SESSION

Senate Chamber, Olympia, Wash., Monday, March 1, 1971.

The Senate was called to order at 12 00 Noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Dore, Durkan, Gissberg, McDougall and Mardesich. On motion of Senator Atwood, Senator McDougall was excused. On motion of Senator Bailey, Senators Gissberg, Mardesich, Durkan and Dore were excused.

The Color Guard, consisting of Pages Shawn Morrissey, Color Bearer, and Sheri Westenberg, presented the Colors. Reverend Maurice Haehlen, pastor of United Church of Olympia, offered prayer as follows:

"Almighty God—Thou Eternal Father of us all give to us a sense of Thy indwelling presence so that we can feel Thy guiding wisdom this day as we face the problems that confront our society. We thank Thee for the members of this legislative body who have been chosen to be our leaders in this state and for their willingness to accept the challenge of these difficult days. Give them patience and good humor so that all might rise above party, color and creed and thus further Thy good purposes for mankind. So bless us in what is right, correct us in what is wrong and give us the fortitude to do with dispatch what we know needs to be done. Amen."

On motion of Senator Greve, the reading of the journal of the previous day was dispensed with and it was approved.

## PERSONAL PRIVILEGE

Senator Fleming: "My President, I would like to take this time to say that I think the prayer that was given by Reverend Maurice Haehlen was most appropriate, but also at this particular time I would like to thank the Reverend Haehlen because he has let me have the use of his home for my stay in Olympia this session and the past two sessions. I just wanted to thank him and his beautiful and wonderful wife and I would like the other members of the Senate to congratulate him also with me."

## REPORTS OF STANDING COMMITTEES

February 26, 1971.

SENATE BILL NO. 84, authorizing eminent domain for cities for streets, avenues, alleys and highways outside of city limits (reported by Committee on Cities, Towns and Counties).

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortin, Vice Chairman; Clarke, Dore, Elicker, Herr, McDougall, Peterson (Ted), Talley.

Passed to Committee on Rules and Joint Rules for second reading.

February 24, 1971.

SENATE BILL NO. 290, requiring driver on left to yield right-of-way (reported by Committee on Transportation):

MAJORITY recommendation: Do pass and refer to Judiciary Committee.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Elicker, Foley, Guess, Herr, Huntley, Jolly, Keefe, Knoblauch, McDougall, Walgren.

## MOTION

On motion of Senator Washington, Senate Bill No. 290 was referred to the Judiciary Committee.

February 26, 1971

SENATE BILL NO. 349, disposing of cemeteries during township reorganization (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass

Signed by: Senators Connor, Chairman; Clarke, Dore, Elcker, Fleming, Herr, McDougall, Peterson (Ted), Ridder, Tailey, Wilson

Passed to Committee on Rules and Joint Rules for second reading

February 24, 1971.

SENATE BILL NO. 352, providing use tax exemption for certain motor vehicles and trailers (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 352 be substituted therefor and the substitute bill do pass.

Signed by: Senators Washington, Chairman, Henry, Vice Chairman; Connor, Donchue, Elcker, Foley, Guess, Herr, Huntley, Jolly, Lewis, McDougall, Matson, Murray, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

February 24, 1971.

SENATE BILL NO. 512, setting out salaries of county officials (reported by Committee on Cities, Towns and Counties).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman, Stortini, Vice Chairman; Clarke, Elcker, Fleming, Herr, McDougall, Ridder, Tailey

Passed to Committee on Rules and Joint Rules for second reading.

February 24, 1971.

ENGROSSED HOUSE BILL NO. 57, providing for changes in licensing periods by the director of motor vehicles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman, Henry, Vice Chairman, Bailey, Connor, Elcker, Foley, Guess, Herr, Huntley, Jolly, Keefe, Knoblauch, McDougall, Walgren, Whetzel

Passed to Committee on Rules and Joint Rules for second reading

## MESSAGES FROM THE HOUSE

February 27, 1971.

Mr. President: The House has passed

ENGROSSED HOUSE BILL NO. 52,

ENGROSSED HOUSE BILL NO. 123,

ENGROSSED HOUSE BILL NO. 207,

ENGROSSED HOUSE BILL NO. 405,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 433,

HOUSE BILL NO. 441,

ENGROSSED HOUSE BILL NO. 620,

ENGROSSED HOUSE BILL NO. 657,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

February 27, 1971.

Mr. President: The House has passed ENGROSSED SENATE CONCURRENT RESOLUTION NO. 9, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 52, by Representatives Van Dyk, Berentson, Haussler, Bauer and Hansey (by Legislative Council request):

Regulating the production and marketing of milk.

Referred to Committee on Agriculture and Horticulture.

ENGROSSED HOUSE BILL NO. 123, by Representatives Zimmerman, Schumaker, Costanti, Thompson, Hurley, North, Kraabel and Ceccarelli:

Managing the taking of certain mammals.

Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO. 207, by Representatives Merrill, North and Kopel (by Municipal Committee request):

Establishing regulations for publishing municipal ordinances.  
Referred to Committee on Cities, Towns and Counties.

ENGROSSED HOUSE BILL NO. 405, by Representatives Conner, Jastad and Farr.  
Regulating practical nurses.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 433, by Committee on Elections and Apportionment.

Implementing laws relating to elections.

Referred to Committee on Constitution, Elections and Legislative Processes.

HOUSE BILL NO. 441 by Representatives Lynch, Perry, O'Brien, Ross, Hurley, Marsh, King, Jueling, Iitchman, Bledsoe, Bottiger, Wojahn, Brouillet, Chatalas and Maxie (by Council on Higher Education request).

Enabling council on higher education to create state plan for contracting with certain private institutions of higher education.

Referred to Committee on Higher Education and Libraries.

ENGROSSED HOUSE BILL NO. 620, by Representatives Flanagan, Bledsoe and Junin.  
Reducing the number of justices of the peace in Grant county to one.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 657, by Representatives Amen, Junin and Pardini.

Providing a presumption that enactment of a statute was not intended to affect any litigation pending on or before the effective date of such statute.

Referred to Judiciary Committee.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 9.

#### SECOND READING

SENATE BILL NO. 232, by Senators Ridder, Keefe and Stender:

Providing for the binding determination by mediation and arbitration of labor disputes between uniformed personnel and their public employers.

#### MOTIONS

On motion of Senator Stortini, Senate Bill No. 232 was made a special order of business at 1:30 p.m.

On motion of Senator Greive, Senate Joint Resolution No. 22 was ordered to hold its place on the second reading calendar for Tuesday, March 2, 1971.

On motion of Senator Greive, Senate Bill No. 149 on second reading and the motion for reconsideration by Senator Ridder on adoption of the amendment by Senator Mardesich to the amendment by Senators Greive and McDougall was ordered to hold its place on the second reading calendar for Tuesday, March 2, 1971.

SENATE JOINT RESOLUTION NO. 13, by Senators Lewis, Wilson, Washington, Greive, McCutcheon, Guess, Peterson (Lowell), Day, Odegard and Atwood (by Legislative Council request).

Amending Constitution to authorize legislature to call special session for a specific purpose.

## MOTION

On motion of Senator Wilson, Substitute Senate Joint Resolution No. 13 was substituted for Senate Joint Resolution No. 13 and the substitute resolution was placed on second reading and read the second time in full.

Senator Bailey moved adoption of the following amendment by Senators Dore and Bailey

On page 1, section 1, line 13, strike "the affirmative vote of two-thirds of" and insert "a majority vote of"

Debate ensued

## MOTIONS

On motion of Senator Wilson, Substitute Senate Joint Resolution No. 13 was made a special order of business immediately following consideration of Senate Bill No. 232.

At 12:30 p.m., on motion of Senator Greive, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

## SPECIAL ORDER OF BUSINESS

SENATE BILL NO. 232, by Senators Ridder, Keesfe and Stander

Providing for the binding determination by mediation and arbitration of labor disputes between uniformed personnel and their public employers.

The time having arrived the Senate resumed consideration of Senate Bill No. 232 on second reading

## MOTIONS

On motion of Senator Bailey, Senator Henry was excused

On motion of Senator Peterson (Lowell), Senator Cooney was excused

Senator Atwood moved adoption of the following amendment by Senators Atwood and Mardesich

On page 2, section 1, line 4, after "the" and before "state" insert "board of arbitration" and strike all the matter beginning with "state" on line 4 down to and including "industries" on line 5.

Debate ensued.

## MOTION

On motion of Senator Atwood, Senate Bill No. 232 and the pending amendment was ordered held following consideration of Substitute Senate Joint Resolution No. 13

## SPECIAL ORDER OF BUSINESS

SUBSTITUTE SENATE JOINT RESOLUTION NO. 13, by Senators Lewis, Wilson, Washington, Greive, McCutcheon, Guess, Peterson (Lowell), Day, Odegard and Atwood (by Legislative Council request)

Amending Constitution to authorize legislature to call special session for a specific purpose

The time having arrived, the Senate resumed consideration of Substitute Senate Joint Resolution No. 13 on second reading and the pending amendment by Senators Dore and Bailey.

There being no objection, the pending amendment was (smilingly) withdrawn by Senator Bailey

On motion of Senator Lewis, the rules were suspended, Substitute Senate Joint



Resolution No. 13 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage

Debate ensued

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 13, and the resolution passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 1; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Herr, Ho man, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowe), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortum, Talley, Twigg, Walgren, Washington, Wilson, Woodall—41

Voting nay: Senator Whetzel—1.

Absent or not voting: Senator McCutcheon—1

Excused: Senators Cooney, Dore, Durkan, Gissberg, Henry, McDougall—6

SUBSTITUTE SENATE JOINT RESOLUTION NO. 13, having received the constitutional two-thirds majority, was declared passed

SENATE BILL NO. 232, by Senators Ridder, Keefe and Stender

Providing for the binding determination by mediation and arbitration of labor disputes between uniformed personnel and their public employers.

The Senate resumed consideration of Senate Bill No. 232 and the pending amendment by Senators Atwood and Mardesich.

#### POINT OF INQUIRY

Senator Mardesich: "With respect to the uniformed personnel, I spoke to a few of them as late as last night and they have no objection to the theory of this amendment but, Senator Atwood, I am wondering whether we have with this amendment, done the right thing. I very frankly have not even had a chance to read it until this moment."

"It reads, if you will follow, 'The board shall be composed of persons appointed as follows: one member to be selected from a list of three or more persons designated by the public employer,' but it does not designate who shall select of those three, who shall select the one out of those three. It provides for a list of three, and a selection shall be made. It does not say who is to make the selection."

Senator Atwood: "They will."

Senator Mardesich: "They, themselves?"

Senator Atwood: "Right."

Senator Mardesich: "Is it clear though? That is my point."

Senator Atwood: "Maybe we had better clarify that then, if you think it needs clarification."

Senator Mardesich: "It does not say who so I am suggesting that a question might be raised as to who shall make the selection."

Debate ensued.

#### MOTION

On motion of Senator Atwood, Senate Bill No. 232 and the pending amendment was ordered held at the end of the second reading calendar for today.

SENATE BILL NO. 410, by Senators Matson, McDougall and Wilson:

Providing for the regulation of horticultural plants.

The Senate resumed consideration of Senate Bill No. 410 and the two amendments by Senator Canfield that were adopted on Saturday, February 27, 1971.

On motion of Senator Matson, the following amendments were adopted:

On page 4, section 3, line 4, after "conducting" strike the remainder of line 4 and line 5 down to and including "consecutive days," and insert "not more than three sales per year for not more than four consecutive days each"

On page 4, section 3, line 8, after "permit" strike "thirty days in advance"

On page 7, section 10, line 3 after "to the" strike all the matter down to and including "behalf of" on line 5 and insert "state treasurer to be deposited in the northwest nursery fund account in the general fund for"

On motion of Senator Matson, the rules were suspended, Engrossed Senate Bill No 410 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

#### POINT OF INQUIRY

Senator Canfield: "Will Senator Matson yield? Does this bill provide for the maintenance of the virus inspection work that Dr. Blodgett was carrying on? I do not mean necessarily the Prosser station, but is that type of work provided for under this assessment?"

Senator Matson: "Senator Canfield, the quarantine work is a responsibility of the department of agriculture as a regulatory function. The certification program will be funded by the assessment contained in this bill."

On motion of Senator Matson, the rules were suspended, Engrossed Senate Bill No 410 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No 410, and the bill passed the Senate by the following vote: Yeas, 39; nays, 2, absent or not voting, 2; excused, 6.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Ebcker, Fleming, Foley, Francis, Gardner, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall 39

Voting nay: Senators Odegaard, Talley-2.

Absent or not voting: Senators Andersen, McCutcheon-2.

Excused: Senators Conney, Dore, Durkan, Gissberg, Henry, McDougall-6.

ENGROSSED SENATE BILL NO 410, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 163 by Senators Day, Woodall and Greive (by Joint Committee on Governmental Cooperation request).

Providing for acceptance of ID besides the Washington state liquor ID card.

#### REPORT OF STANDING COMMITTEE

February 22, 1971.

SENATE BILL NO 163, providing for acceptance of ID besides the Washington state liquor ID card (reported by Committee on State Government)

MAJORITY recommendation: Do pass with the following amendment

On page 2, section 1, line 5, subsection (2), after "license" and before "of" insert "or identification card"

Signed by: Senators Walgren, Chairman, Day, Ebcker, Gardner, Gissberg, Henry, McCutcheon.

The bill was read the second time by sections

On motion of Senator Walgren, the committee amendment was adopted.

On motion of Senator Day, the rules were suspended, Senate Bill No 163 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

## POINT OF INQUIRY

Senator Whetzel: "Will Senator Day yield? Senator, section 1 makes a change in the existing law. As I understand this bill, it is not the intention to deprive the liquor board of its authority to issue identification cards. Would you confirm that?"

Senator Day: "Yes, that is correct. They still will have that authority."

## POINT OF INQUIRY

Senator Canfield: "Will Senator Day yield? Senator, in looking over page 2, the documents which might be required, a driver's license can be held by a minor, military identification can be held by a minor, a passport can be held by a minor. Couldn't then liquor be given to any minor under the terms of this?"

Senator Day: "No. The identification that would be accepted, all give the holder's age or birthdate. For example, a driver's license from another state would have the holder's birthdate on it."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 163 and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 4; excused, 5.

Voting yea. Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Ellicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Holman, Huntley Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Storm, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—40.

Absent or not voting. Senators Andersen, Herr, McCutcheon, Metcalf—4.

Excused: Senators Dore, Durkan, Gissberg, Henry, McDougall—5.

ENGROSSED SENATE BILL NO. 163 having received the constitutional majority, was declared passed. There being no objection the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Day, Senate Joint Resolution No. 8 was ordered to hold its place on the second reading calendar for Tuesday, March 2, 1971.

## SENATE BILL NO. 37, by Senator Wilson:

Providing that no property segregation be made unless all delinquent taxes and assessments have been paid.

The bill was read the second time by sections.

On motion of Senator Wilson, the following amendment was adopted:

On page 1, section 1, line 12, after "PROVIDED, That" and before "no" insert "excepting when property is being acquired for public use."

Senator Holman moved adoption of the following amendment:

On page 2, after line 5, insert a new section to be known as Section 2, as follows:

"Section 2. Section 84.56.020, chapter 15, Laws of 1961 as amended by section 3, chapter 216, Laws of 1969 ex. sess. and RCW 84.56.020 are each amended to read as follows:

The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his county. All taxes upon real and personal property made payable by the provisions of this title shall be due and payable to the treasurer as aforesaid on or before the thirtieth day of April in each year, after which date they shall become delinquent, and interest at the rate of ten percent per annum shall be charged upon such unpaid taxes from the date of delinquency until paid. PROVIDED, That when the total amount of tax on any lot, block or tract of real property payable by one person is ten dollars or more, and if one-half of such tax be paid on or before the said thirtieth day of April, then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such remaining one-half shall become delinquent, and interest at the rate of ten percent per

annum shall be charged upon said remainder from the date of delinquency until paid PROVIDED, FURTHER, That when the total amount of personal property taxes falling due in any year, payable by one person, is ten dollars or more, and if one-half of such taxes be paid on or before said thirtieth day of April, then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such remaining one-half shall become delinquent, and interest at the rate of ten percent per annum shall be charged upon said remainder from the date of delinquency until paid. All collections of interest on delinquent taxes shall be credited one-half to the county current expense fund, [but] and one-half pro rata to the appropriate fund or funds of the state and respective taxing districts for which said taxes are being collected. The cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale, and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations."

Debate ensued

### POINT OF INQUIRY

Senator Donohue: "I would like to ask Senator Holman if he would yield? Senator, I assume that you have contacted some of the major counties such as King and Pierce as to exactly what this would do to them as far as their budget is concerned?"

Senator Holman: "You as well as I received a fiscal note on Senate Bill No. 154 which bill would have put one hundred percent of this under a pro rata rather than a fifty-fifty, which I have here. Under the present fiscal note presented to your committee, if it was one hundred percent, it would be \$1.9 million a year which would be distributed that would now go to the county. Under the bill one hundred percent would be distributed. About \$1.2 million of that would go to the school districts. Approximately \$300,000 to the cities. Now this is on a state-wide basis.

"I cannot break it down by King county. You asked me the question whether I consulted with them. I certainly did and can tell you quite frankly the counties do not particularly like to lose any of this money. So the answer to your question is they would probably oppose this, although it seemed to me that they opposed the one hundred percent sharing and I, by this amendment, am willing to meet them half way on it. I think this is only fair because you must remember that the specific counties now are getting fifteen percent of the sales tax revenue that is collected by the cities. Secondly, the assessment and collection of taxes is what the county offices are for and they get money out of their general millage for that. I do not think this is a bit unfair and I urge you to go along with the measure."

Further debate ensued.

Senator Wilson demanded a roll call and the demand was sustained by Senators Holman, Washington, Grewe, Bailey, Stender, Scott, Cooney, Odegaard, Atwood and Lewis.

### ROLL CALL

The Secretary called the roll, and the amendment by Senator Holman was not adopted by the following vote: Yeas, 19; nays, 22, absent or not voting, 3; excused, 5.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Flicker, Francis, Gardner, Grewe, Holman, Metcalf, Murray, Newschwander, Odegaard, Ridder, Scott, Stender, Stortini, Washington, Whetzel—19.

Voting nay: Senators Bailey, Connor, Cooney, Day, Donohue, Foley, Guess, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Peterson (Lowell), Peterson (Ted), Sandison, Tailey, Twigg, Walgren, Wilson, Woodall—22.

Absent or not voting: Senators Fleming, Herr, McCutcheon—3.

Excused: Senators Dore, Durkan, Gissberg, Henry, McDougall—5.

On motion of Senator Wilson, the rules were suspended, Engrossed Senate Bill No. 37 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 37, and the bill passed the Senate by the following vote: Yeas, 36; nays, 5, absent or not voting, 3, excused, 5.

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Foley, Francis, Gardner, Græve, Guess, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Murray, Odegaard, Peterson (Lowel), Ridder, Sandison, Scott, Stender, Stortum, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall 36

Voting nay Senators Ellicker, Holman, Metcalf, Newschwander, Peterson (Ted)—5.

Absent or not voting. Senators Fleming, Heer, McCutcheon—3.

Excused: Senators Dore, Durkan, Gissberg, Henry, McDougall—5.

ENGROSSED SENATE BILL NO 37, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 172, by Senators Huntley and Washington (by departmental request):

Providing for changes in the law relating to highway relocation payments.

The bill was read the second time by sections.

On motion of Senator Huntley, the rules were suspended, Senate Bill No. 172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No 172, and the bill passed the Senate by the following vote: Yeas, 39; nays, 2; absent or not voting, 3; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Ellicker, Foley, Gardner, Græve, Guess, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowel), Peterson (Ted), Sandison, Scott, Stender, Stortum, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—39

Voting nay: Senators Francis, Ridder—2.

Absent or not voting. Senators Fleming, Heer, McCutcheon—3.

Excused: Senators Dore, Durkan, Gissberg, Henry, McDougall—5.

SENATE BILL NO 172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO 261, by Senators Stender, Stortum, Ridder and Peterson (Ted) (by departmental request):

Providing wage protection to employees.

The bill was read the second time by sections.

On motion of Senator Stender, the following amendment was adopted:

On page 2, section 1, line 29, after "forthwith" strike the period and insert the following: " *PROVIDED, HOWEVER, That this paragraph shall not apply when workers are engaged in an employment that normally involves working for several employers in the same industry interchangeably, and the several employers or some of them cooperate to establish a plan for the weekly payment of wages at a central place or places and in accordance with a unified schedule of paydays providing for at least one payday each week, but this subsection shall not apply to any such plan until ten days after notice of their intention to set up such a plan has been given to the director of labor and industries by the employers who cooperate to establish the plan, and having once been established, no such plan can be abandoned except after notice of their intention to abandon such plan has been given to the director of labor and industries by the employers intending to abandon the plan.* *PROVIDED FURTHER That the duty to pay an employee forthwith shall not apply if the labor-management agreement under which the employee has been employed provides otherwise.* "

On motion of Senator Stender, Engrossed Senate Bill No. 261 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 261, and the bill passed the Senate by the following vote: Yeas, 38; nays, 3; absent or not voting, 3; excused, 5.

Voting yeas: Senators Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Ellicker, Fleming, Foley, Francis, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortum, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—38

Voting nays: Senators Andersen, Clarke and Gardner—3

Absent or not voting: Senators McCutcheon, Matson, Twigg—3

Excused: Senators Dore, Durkan, Gissberg, Henry, McDougall—5.

ENGROSSED SENATE BILL NO. 261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 157, by Senators Talley, Knoblauch and Whetzel (by departmental request):

Providing certain changes in the law relating to the mentally ill.

## MOTION

On motion of Senator Odegaard, Substitute Senate Bill No. 157 was substituted for Senate Bill No. 157 and the substitute bill was read the second time in full.

On motion of Senator Odegaard, the following amendment was adopted:

On page 2, section 1, line 1, after "rehabilitation" and before "of" insert "or for the discharge"

## POINT OF INQUIRY

Senator Mardesich: "Senator Odegaard, would you yield? Senator, I see that one of the changes I spoke to you about has been incorporated in the substitute bill. On line 21 of page 1, it speaks about reduction of such funds to a lesser amount. That is where they have more than three hundred dollars, then the superintendent can reduce such funds to a lesser amount in order to qualify a person for certain programs. Where in the bill does it indicate how that reduction should be accomplished."

Senator Odegaard: "It does state that the superintendent of the hospital would be the one who would be the determining person and I imagine he would be the one who would determine how that would be made, Senator Talley who is the prime sponsor of the bill might be able to give you more details."

Senator Talley: "Senator Mardesich, I think it is provided under law the superintendent has the handling of the funds."

On motion of Senator Odegaard, the rules were suspended, Engrossed Substitute Senate Bill No. 157 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 157, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 1; excused, 5.

Voting yeas: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Ellicker, Fleming, Foley, Francis, Gardner, Greive, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortum, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42

Voting nays: Senator Guess—1.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Dore, Durkan, Gissberg, Henry, McDougall—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 157, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 232, by Senators Ridder, Keefe and Stender

Providing for the binding determination by mediation and arbitration of labor disputes between unorganized personnel and their public employers.

The Senate resumed consideration of Senate Bill No. 232 and the pending amendment by Senators Atwood and Mardesich

Debate ensued

The motion by Senator Atwood carried and the amendment was adopted

Senator Stender moved adoption of the following amendment.

On page 2, section 2, after "final." on line 22 strike all the matter down to and including "act" on line 32 and insert:

*"If the employer arbitrator and the employee arbitrator representing unorganized personnel fail to select a third arbitrator within fifteen days, the director of the department of labor and industries shall submit a list of seven names from which the employee and employer arbitrators shall alternately strike a name until only one name shall remain who shall be the third member of the arbitration board."*

#### POINT OF INQUIRY

Senator Canfield: "Will Senator Stender yield? Senator, I appreciate your amendment and you have tried to set a time certain in the formulation of this arbitrator board, you have set fifteen days. Then you go on to say that from this list of seven, the employer and employee shall alternately strike names until one is left. However, that does not say whether it has to be done in a week or fifteen days or ten years and if your time element is significant in there, shouldn't you also put a time in by which this striking has to be done so you can get your board working?"

Senator Stender: "I think you have a point. I have no objection to giving it a time limit, but the way it works in practical approach is that the parties meet and in this case let us call it the department of labor and industries at some particular place wherever their dispute is and they have this list of names and they probably flip a coin to see who first strikes a name. Then they take their turns alternately until they come down to the last name on the list then would be the person so selected."

Senator Canfield: "I understand that but I thought you were trying to put a time limit of fifteen days so they would get on the ball and do something, but you do not put a time limit on the selection of your third member."

Senator Stender: "I think the parties will, in due course reach a date when they will meet to do this particular striking. But I did believe that fifteen days would be enough time for the two parties to voluntarily agree to a third party, if they could in fact agree at all. If they cannot, then there is the alternative system whereby they can proceed. It seems to me that we have to leave some area of confidence between the parties as to how they are going to do this and the length of time."

Further debate ensued

The motion by Senator Stender carried and the amendment was adopted

On motion of Senator Ridder, the rules were suspended, Engrossed Senate Bill No. 232 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

Debate ensued.

#### POINT OF INQUIRY

Senator Guess: "Would Senator Ridder yield? Senator, this is being held up as a panacea to the problems of collective bargaining and I wonder how you can stand here on the floor of the Senate and tell this body that this is going to solve the problem when there is no money and a collective bargaining agreement is entered into and you go through the final determination of the arbitration panel and they say that the group of employees is going to get a certain fixed pay raise. Now if there is no money and there is no money in the budget, where are the funds going to come from?"

Senator Ridder: "Senator, I have great faith in this compulsory mediation. I have a feeling that the unorganized personnel are not going to receive their raises in many of these cases. Looking at all sides of the issue and taking everything into consideration, I am sure that in many cases they will not get these raises."

Senator Guess: "There is one more question. This bill says that the only review can be brought by going to superior court to prove arbitrary and capricious action. In the past in Spokane when the unorganized personnel did not like the settlement that they got from the city council, they were able to take their issue to the people. Now, is this such a beautiful

panacea that they are no longer going to want to take the issue to the people and ask the people to pass a levy so that they can get the funds that they think they deserve?"

Senator Ridder: "Is this in the form of a question, Senator?"

Senator Guess: "The question is, are they going to give up that right of going to the people?"

Senator Ridder: "Apparently in this bill the avenue is through the superior court."

Senator Guess: "Senator Ridder, the avenue is only to prove capricious and arbitrary action in superior court. This is not to set aside the determination. The determination is set aside by the board that they were contending for and there was no evidence of arbitrary or capriciousness on the part of the arbitration board, then those uniformed people are left out in the cold. I want to make sure that these people are fully aware of what they are asking for. They are giving up a right they now have."

Senator Ridder: "I presume in the hearings that we had on this bill they were willing at this time to give up that right."

Further debate ensued.

### POINT OF INQUIRY

Senator Lewis: "Will Senator Stender yield? Senator, I support your remarks to the extent that you made them. I have a question. We have extended the bargaining table into the legislature and I think and agree with you in this case it is probably meritorious. However, the area that concerns me is that nowhere in this extension of the bargaining agreement which we have made does it indicate what is the penalty for a walkout or a slowdown or a strike in the event that the employees we are talking about fail to agree with the arbitrators' opinion. Is there a penalty? Is there a loss of job involved if they fail to agree?"

Senator Stender: "Senator, your question is an assumption, of course, that the parties will not live with the arbitration decision. The law now prohibits a strike of the public employees. You perhaps know that. I assume that in the event that the employees or the employer chose to disregard arbitration that the bill already provides that they can go to the superior court in the county where the dispute is in effect and get redress on this type of a problem."

Senator Lewis: "The reason I am emphasizing this and the thing that I want to make clear is, in order to support you as I want to support you, I want it crystal clear that both the employer and the employees are bound, and that the employees, even if they disagree, shall not and it is our understanding, and is this a correct understanding, that they will not walk out or slow down and that this would be in your opinion grounds for immediate superior court action in the event they do in contradiction to the views of the arbitrator?"

Senator Stender: "I think so and this bill eliminates the fear that you expressed in slow downs and strikes because by virtue of the fact that we offer a solution where now there is no solution, that possibly now the slowdown or strike might be the only way that these employees could proceed to bring about satisfaction in an agreement."

"I suppose if you assume for that reason, then, they would not serve as they should. I think that assumption is completely in error, Senator, because these people are dedicated people. You know that as well as I and this does give them some means whereby the disputes that could cause slowdowns and strikes would be adjusted."

"I do not know of any other way, if they were to strike, and certainly they could get an injunction with the court immediately against it. It is already in the law that they are not legally allowed to strike."

Further debate ensued.

### POINT OF INQUIRY

Senator Elcker: "Will Senator Ridder yield? Senator, if we can assume that the state personnel board is somewhat a creature of this legislature and if we can analogize and say that the various employee groups, the state employee groups, could bargain with the personnel board and then, somewhat analogous to the terms of this act, would submit it to arbitration would you as a legislator be willing to abide by the decision of the arbitration board?"

Senator Ridder: "You mean as it is set up in this bill?"

Senator Elcker: "Yes, if this were state employees generally, rather than restricted to uniformed employees?"

Senator Ridder: "You mean, say as a teacher?"

Senator Elcker: "As a department of institutions employee, a state highway department employee, or something of that nature?"

Senator Ridder: "I would have a very difficult time answering for all those people."

Senator Elcker: "No, I say would you as a legislator be willing to accept that principle that this body should be bound by the opinion of three arbitrators, as far as salaries for state employees are concerned?"

Senator Ridder: "I would be, yes."



## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 232, and the bill failed to pass the Senate by the following vote: Yeas, 24, nays, 19; absent or not voting, 1; excused, 5.

Voting yea: Senators Connor, Cooney, Day, Fleming, Foley, Francis, Gardner, Greive, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Newschwander, Odegaard, Peterson (Lowe), Peterson (Ted), Ridder, Sanderson, Stender, Stortini, Talley, Waigren, Washington - 24

Voting nay: Senators Atwood, Bailey, Canfield, Clarke, Donohue, Elcker, Guess, Holman, Huntley, Lewis, Mardesich, Matson, Metcalf, Murray, Scott, Twigg, Whetzel, Wilson, Woodall - 19

Absent or not voting: Senator Andersen - 1

Excused: Senators Dore, Durkan, Gissberg, Henry, McDougall - 5.

ENGROSSED SENATE BILL NO. 232, having failed to receive the constitutional majority, was declared lost.

## NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Bailey served notice that he would, on the next working day, move that the Senate reconsider the vote by which Engrossed Senate Bill No. 232 failed to pass the Senate.

## PARLIAMENTARY INQUIRY

Senator Guess: "Is not today the fiftieth day? Any reconsideration will take place immediately?"

## REMARKS BY SENATOR GREIVE

Senator Greive: "If I may be permitted to suspend the rules, I would like to explain what I am going to do so you understand. At this point a motion to adjourn would hold the motion for reconsideration over because it is at the same stage of the proceedings because a motion to reconsider is in progress. Isn't that right, Mr. President?"

## PRESIDENT'S REPLY

The President: "In answer to your inquiry Senator Guess, the answer is yes.

"Senator Greive, the President believes it would be in order for a motion of reconsideration to be made at this time and then the motion be made a special order of business at a time certain."

## MOTIONS

Having voted on the prevailing side and having given prior notice, Senator Bailey moved that the Senate do now reconsider the vote by which Engrossed Senate Bill No. 232 failed to pass the Senate.

On motion of Senator Greive, the motion for reconsideration by Senator Bailey was made a special order of business immediately following the noon recess on Tuesday, March 2, 1971.

At 3:30 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Tuesday, March 2, 1971.

JOHN A. CHERBERG, President of the Senate

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-FIRST DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, March 2, 1971.

The Senate was called to order at 11 00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Gissberg. On motion of Senator Keefe, Senator Gissberg was excused.

The Color Guard, consisting of Pages Dan Scharff, Color Bearer, and Cathy Simpson presented the Colors. Reverend Luther Watness, pastor of St. Timothy Lutheran Church of Seattle, offered prayer as follows.

"O God, You let the snow fall on the good and the bad, the well off and the worn down of society. The sun shines on all and the moon shines on all and the rains and winds assail all. For most of us we are well enough fixed to enjoy the snows and the rains and the winds of life. For an ever increasing group, food, shelter and housing, yes, the bare necessities are constant source of worry! All we possess is a vital trust from You and is to be used to benefit all the people. You created us to stand tall, to recognize our individual dignity and worth. Guide this legislative body to find ways and means to preserve a man's self worth and sense of hope. Let the citizenry of this State act 'for the good of all' especially those who have personal plights and needs. Let us relate to others as if they were members of our immediate family. Let us view them as the son reminds us 'He ain't so heavy, he's my brother.' Amen."

On motion of Senator Grieve, the reading of the journal of the previous day was dispensed with and it was approved.

## APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence within the bar of the Senate a delegation from the State Department, the Republic of China and Viet Nam and appointed a special committee consisting of Senators Bailey, Stender and Andersen to escort the guests to a place of honor upon the rostrum.

With leave of the Senate, business was suspended to permit members of the delegation to address the Senate.

The visitors were escorted from the Senate Chamber.

## REPORTS OF STANDING COMMITTEES

February 27, 1971

SENATE BILL NO. 91, providing that service of process under the automobile longarm statute shall be by return receipt requested registered mail to the last known address (reported by Judiciary Committee).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman, Andersen, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

February 12, 1971

SENATE BILL NO. 179, providing for recovery by the department of social and health services of assistance furnished to an injured public assistance recipient (reported by Judiciary Committee).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman, Dore, Vice Chairman, Andersen, Atwood, Clarke, Foley, Holman, Twigg, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

February 27, 1971.

SENATE BILL NO. 216, providing for the registration of escrow agents (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 216 be substituted therefor and the substitute bill do pass.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall

Passed to Committee on Rules and Joint Rules for second reading

February 27, 1971.

SENATE BILL NO. 224, protecting from publicity juveniles involved in crimes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Atwood, Clarke, Foley, Holman, Twigg, Woodall

Passed to Committee on Rules and Joint Rules for second reading.

March 1, 1971.

SENATE BILL NO. 269, pertaining to fire district levies (reported by Committee on Cities, Towns and Counties)

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Ellicker, Fleming, Herr, McDougall, Peterson (Ted), Ridder, Talley, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading

February 27, 1971.

SENATE BILL NO. 277, providing for the holding of sessions of the superior courts in places other than the county seat of a county (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

March 1, 1971

SENATE BILL NO. 284, permitting county road mileage funds to be used for other services in unincorporated area of county (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Dore, Ellicker, Herr, McDougall, Ridder, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 1, 1971

SENATE BILL NO. 369, modifying warning equipment requirements for certain motor vehicles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Ellicker, Foley, Guess, Huntley, Jolly, Keefe, Mardesch, Murray, Peterson (Lowell), Sandison, Scott, Stender, Talley

Passed to Committee on Rules and Joint Rules for second reading.

March 1, 1971.

SENATE BILL NO. 408, defining powers of committee on vendor's rates (reported by Committee on Public Institutions)

Recommendation: Do pass.

Signed by: Senators Odegaard, Chairman; Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg

Passed to Committee on Rules and Joint Rules for second reading.

February 27, 1971.

SENATE BILL NO. 564, amending the business corporation act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

February 26, 1971.

ENGROSSED HOUSE BILL NO. 66, classifying the property rights of persons having an interest in trust principal and persons having an interest in trust income (reported by Judiciary Committee):

MAJORITY recommendation Do pass as amended

Signed by Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Foley, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading

### MESSAGES FROM THE HOUSE

March 1, 1971

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 22, and the same is herewith transmitted, MALCOLM McBEATH, Chief Clerk.

March 1, 1971.

Mr. President: The Speaker has signed SENATE JOINT RESOLUTION NO. 1, and the same is herewith transmitted, MALCOLM McBEATH, Chief Clerk.

March 1, 1971.

Mr. President, The House has passed:  
ENGROSSED HOUSE BILL NO. 113,  
ENGROSSED HOUSE BILL NO. 178,  
HOUSE BILL NO. 211,  
ENGROSSED HOUSE BILL NO. 251,  
HOUSE BILL NO. 270,  
HOUSE BILL NO. 272,  
ENGROSSED HOUSE BILL NO. 277,  
ENGROSSED HOUSE BILL NO. 311,  
ENGROSSED HOUSE BILL NO. 353,  
ENGROSSED HOUSE BILL NO. 501,  
ENGROSSED HOUSE BILL NO. 538,  
HOUSE BILL NO. 686,  
ENGROSSED HOUSE BILL NO. 720,  
and the same are herewith transmitted, MALCOLM McBEATH, Chief Clerk.

March 1, 1971.

Mr. President: The House has passed SENATE BILL NO. 311 with the following amendment:

On page 3, section 1, line 1, after "authority" and before "are" insert "and with concurrence of the governing body",  
and the same is herewith transmitted, MALCOLM McBEATH, Chief Clerk.

### MOTION

On motion of Senator Foley, the Senate refused to concur in the House amendment to Senate Bill No. 311 and asked the House to recede therefrom.

### MESSAGE FROM THE HOUSE

February 27, 1971.

Mr. President: The House has passed SENATE JOINT RESOLUTION NO. 5 with the following amendment.

On page 1, line 9, after "divorce," insert "Lotteries shall be prohibited except as specifically authorized upon the affirmative vote of sixty percent of the members of each house of the legislature or, notwithstanding any other provision of this Constitution, by referendum or initiative approved by sixty percent affirmative vote of the electors voting thereon",  
and the same is herewith transmitted, MALCOLM McBEATH, Chief Clerk.

### MOTION

On motion of Senator Walgren, the message from the House and the amendment contained therein to Senate Joint Resolution No. 5 was ordered held for consideration on Wednesday, March 3, 1971

## MESSAGE FROM THE HOUSE

March 1, 1971

Mr President: The House has adopted ENGROSSED SENATE CONCURRENT RESOLUTION NO 13 with the following amendments.

On page 1, line 5 beginning with the word "Add" strike everything through and including "ADDRESS" on line 17

On page 1, line 27 beginning with the word "within" strike everything through "with" on page 2, line 2 and insert "without", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk

## MOTION

On motion of Senator Bailey, the message from the House and the amendments contained therein to Engrossed Senate Concurrent Resolution No 13 was made a special order of business at 11:15 a.m., Wednesday, March 3, 1971

## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO 113, by Representatives Thompson, Zimmerman and Spanton (by departmental request)

Prescribing powers of game protectors.

Referred to Committee on Natural Resources, Fisheries and Game

ENGROSSED HOUSE BILL NO. 175, by Representatives Julin, Wojahn and Cunningham (by Judicial Council request).

Providing for grand juries and criminal investigations.

Referred to Judiciary Committee.

HOUSE BILL NO 211, by Representatives Kopet, Backstrom and Marsh (by Legislative Budget Committee request):

Providing for the amendment and repeal of certain obsolete or inactive material relating to various local government units and agencies.

Referred to Committee on Cities, Towns and Counties

ENGROSSED HOUSE BILL NO. 251, by Representatives Bottiger, Kiskaddon and Kirk:

Providing that a mailed tax notice can serve to give information required on tax payment receipt.

Referred to Committee on Cities, Towns and Counties.

HOUSE BILL NO. 270, by Representatives Barden, Spanton, Litchman and Kilbury (by Joint Committee on Governmental Cooperation request):

Exempting agency vendors of liquor from civil service.

Referred to Committee on State Government

HOUSE BILL NO 272, by Representatives Schumaker, Hubbard, Benitz, Backstrom, Chamley, Costanti, Haussler and Kilbury.

Allowing Indian tribes to participate in public cooperative ventures

Referred to Committee on Cities, Towns and Counties.

ENGROSSED HOUSE BILL NO 277, by Representatives McDermott, Smythe, Zimmerman, Chatalas, Shera, Backstrom and Paris (by departmental request):

Providing certain changes in the law relating to community health programs

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

ENGROSSED HOUSE BILL NO. 311, by Representatives Gallagher, Kiskaddon, Brouiller, Haussler and Ross (by departmental request).

Modifying the suspended sentences procedure.  
Referred to Judiciary Committee.

Senators Greive, Elucker and Ridder demanded a Call of the Senate.  
A Call of the Senate was ordered.

#### CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber.  
The Secretary called the roll on the Call of the Senate, all members being present except Senator Gissberg who had previously been excused.  
On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

ENGROSSED HOUSE BILL NO. 353, by Representatives Gilleland, Perry and Berentson.  
Pertaining to refunds for non-highway use of fuel  
Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 501, by Representatives Kuehnle, Chatalas, Merrill, Jueling, Jones, Ceccarelli and Litchman:  
Amending regulation of real estate brokers and salesmen.  
Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 538, by Representatives Charette and Hubbard:  
Providing for a change in the right of action against a contractor for injury or death.  
Referred to Committee on Labor and Industrial Insurance

HOUSE BILL NO. 686, by Representatives Ekenberry, Knowles and Hubbard:  
Changing the judgment creditors remedies in seeking to enforce a judgment on the judgment debtor  
Referred to Judiciary Committee

ENGROSSED HOUSE BILL NO. 720, by Representatives Charette, Harris Rosellini, Hubbard and Curtis:  
Establishing a statute of limitations for medical malpractice.  
Referred to Judiciary Committee.

HOUSE CONCURRENT RESOLUTION NO. 22, by Representative Bledsoe:  
Calling for a joint session to receive the message of the vice president.  
On motion of Senator Greive, the rules were suspended, House Concurrent Resolution No. 22 was advanced to second reading and read the second time in full.  
On motion of Senator Greive, the rules were suspended, House Concurrent Resolution No. 22 was advanced to third reading, the second reading considered the third, and the resolution was adopted

#### MOTION FOR RECONSIDERATION

The Senate resumed consideration of the motion by Senator Bailey on Monday, March 1, 1971 to reconsider the vote by which the Senate failed to pass Engrossed Senate Bill No. 232.  
The motion carried

#### MOTIONS

On motion of Senator Greive, Engrossed Senate Bill No. 232 was returned to the Committee on Rules and Joint Rules.  
On motion of Senator Greive, the Senate dispensed with the Call of the Senate.  
At 12:00 noon, on motion of Senator Greive, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2 00 p.m.

## THIRD READING

ENGROSSED SENATE BILL NO 130, by Senators McDougall, Matson and Talley  
Authorizing parking and business improvement areas and special assessments therefor.  
The Senate resumed consideration of Engrossed Senate Bill No 130 on third reading.

## MOTION

On motion of Senator McDougall, the rules were suspended and Engrossed Senate Bill No. 130 was returned to second reading

## MOTION FOR RECONSIDERATION

Senator McDougall moved that the Senate do now reconsider the vote by which the Senate adopted an amendment by Senators McDougall and Mardesich on Saturday, February 27, 1971.

The motion carried

## MOTIONS

On motion of Senator McDougall, there being no objection, the amendment by Senators McDougall and Mardesich was withdrawn.

Senator McDougall moved adoption of the following amendment by Senators McDougall and Mardesich:

On page 1, section 1, line 5 after "Section 1." strike the remainder of the bill and insert

"The legislature hereby authorizes all incorporated cities and towns, including unclassified cities and towns operating under special charters

(1) To establish parking and business improvement areas, hereafter referred to as area or areas, for the following purposes.

(a) The acquisition, construction or maintenance of parking facilities for the benefit of the area.

(b) Decoration of any public place in the area;

(c) Promotion of public events which are to take place on or in public places in the area;

(d) Furnishing of music in any public place in the area

(e) The general promotion of retail trade activities in the area

(2) To levy special assessments on all businesses within the area and specially benefited by a parking and business improvement area to pay in whole or in part the damages or costs incurred therein as provided in this act.

(3) To provide in accordance with any applicable provisions of the Constitution or statutory authority for the issuance and sale of revenue bonds to finance the cost of any parking and business improvement area.

NEW SECTION Sec. 2. (1) "Business" as used in this act means all types of business, including professions.

(2) "Legislative authority" as used in this act means the legislative authority of any city or town including unclassified cities or towns operating under special charters

NEW SECTION Sec. 3. The legislative authority shall adopt a resolution of intention to establish an area. The resolution shall contain the following information.

(1) Description of the boundaries of the proposed area.

(2) The time and place of a hearing to be held by the legislative authority to consider establishment of an area.

(3) The proposed uses to which the proposed special assessment revenues shall be put, and

(4) The initial or additional rate or levy of special assessment with a breakdown by class of business if such classification is to be used

NEW SECTION Sec. 4. Notice of a hearing held under the provisions of this act shall be given by:

(1) One publication of the resolution of intention in a newspaper of general circulation in the city, and

(2) Mailing a complete copy of the resolution of intention to each business in the proposed, or established, area. Publication and mailing shall be completed at least ten days prior to the time of the hearing.

NEW SECTION Sec. 5. Whenever a hearing is held under this act, the legislative

authority shall hear all protests and receive evidence for or against the proposed action. The legislative authority may continue the hearing from time to time. Proceedings shall terminate if protest is made by businesses in the proposed area which would pay a majority of the proposed special assessments.

**NEW SECTION Sec. 6** If the legislative authority decides to change the boundaries of the proposed area, the hearing shall be continued to a time at least fifteen days after such decision and notice shall be given as prescribed in section 4 of this act, showing the boundary amendments, but no resolution of intention is required.

**NEW SECTION Sec. 7.** For purposes of the special assessments to be imposed pursuant to this act, the legislative authority may make a reasonable classification of businesses, giving consideration to various factors, including the degree of benefit received from parking only.

**NEW SECTION Sec. 8** The special assessments need not be imposed on different classes of business, as determined pursuant to section 7 of this act, on the same basis or the same rate. **PROVIDED HOWEVER** That the special assessments imposed for the purpose of the acquisition, construction or maintenance of parking facilities for the benefit of the area shall be imposed on the basis of benefit determined by the legislative authority after giving consideration to the total cost to be recovered from the businesses upon which the special assessment is to be imposed, the total area within the boundaries of the parking and business improvement area, the assessed value of the land and improvements within the area, the total business volume generated within the area and within each business, and such other factors as the legislative authority may find and determine to be a reasonable measure of such benefit.

**NEW SECTION Sec. 9** If the legislative authority, following the hearing, decides to establish the proposed area, it shall adopt an ordinance to that effect. This ordinance shall contain the following information:

(1) The number, date and title of the resolution of intention pursuant to which it was adopted.

(2) The time and place the hearing was held concerning the formation of such area.

(3) The description of the boundaries of such area.

(4) A statement that the businesses in the area established by the ordinance shall be subject to the provisions of the special assessments authorized by section 1 of this act.

(5) The initial or additional rate or levy of special assessment to be imposed with a breakdown by classification of business, if such classification is used, and

(6) A statement that a parking and business improvement area has been established.

(7) The uses to which the special assessment revenue shall be put: **PROVIDED, HOWEVER,** That such use shall conform to the use as declared in the resolution of intention issued pursuant to section 3 of this act.

**NEW SECTION Sec. 10** The legislative authority of each city or town shall have sole discretion as to how the revenue derived from the special assessments is to be used within the scope of the purposes; however, the legislative authority may appoint existing advisory boards or commissions to make recommendations as to its use, or the legislative authority may create a new advisory board or commission for the purpose.

**NEW SECTION Sec. 11.** The special assessments levied hereunder must be for the purposes specified in the ordinance and the proceeds shall not be used for any other purpose.

**NEW SECTION Sec. 12.** Collections of assessments imposed pursuant to this act shall be made at the same time and in the same manner as otherwise prescribed by Title 35 RCW or in such other manner as the legislative authority shall determine.

**NEW SECTION Sec. 13** Changes may be made in the rate or additional rate of special assessment as specified in the ordinance establishing the area, by ordinance adopted after a hearing before the legislative authority.

The legislative authority shall adopt a resolution of intention to change the rate or additional rate of special assessment at least fifteen days prior to the hearing required by this section. This resolution shall specify the proposed change and shall give the time and place of the hearing.

**NEW SECTION Sec. 14.** The legislative authority may, for each of the purposes set out in section 1 of this act, establish and modify one or more separate benefit zones based upon the degree of benefit derived from the purpose and may impose a different rate of special assessment within each such benefit zone.

**NEW SECTION Sec. 15** All provisions of this act applicable to establishment or disestablishment of an area also apply to the establishment, modification, or disestablishment of benefit zones pursuant to section 12 of this act. The establishment or the modification of any such zone shall follow the same procedure as provided for the establishment of a parking and business improvement area and the disestablishment shall follow the same procedure as provided for disestablishment of an area.

**NEW SECTION Sec. 16** Businesses established after the creation of an area within the area may be exempted from the special assessments imposed pursuant to this act for a period not exceeding one year from the date they commenced business in the area.

**NEW SECTION Sec. 17.** The legislative authority may disestablish an area by ordinance after a hearing before the legislative authority.

The legislative authority shall adopt a resolution of intention to disestablish the area at least fifteen days prior to the hearing required by this section. The resolution shall give the time and place of the hearing.



**NEW SECTION** Sec. 18. Upon disestablishment of an area, any proceeds of the special assessments, or assets acquired with such proceeds, or liabilities incurred as a result of the formation of such area, shall be subject to disposition as the legislative authority shall determine. **PROVIDED, HOWEVER,** Any liabilities, either current or future, incurred as a result of action taken to accomplish the purposes of section 1 of this act shall not be an obligation of the general fund or any special fund of the city or town, but such liabilities shall be provided for entirely from available revenue generated from the projects or facilities authorized by section 1 of this act or from special assessments on the property specially benefited within the area.

**NEW SECTION** Sec. 19. Any city or town authorized by this act to establish a parking improvement area shall call for competitive bids by appropriate public notice and award contracts, whenever the estimated cost of such work or improvement, including cost of materials, supplies and equipment, exceeds the sum of two thousand five hundred dollars.

**NEW SECTION** Sec. 20. The cost of the improvement for the purposes of this act shall be aggregate of all amounts to be paid for the labor, materials and equipment on one continuous or inter-related project where work is to be performed simultaneously or in near sequence. Breaking an improvement into small units for the purposes of avoiding the minimum dollar amount prescribed in section 19 of this act is contrary to public policy and is prohibited.

**NEW SECTION** Sec. 21. This act providing for parking and business improvement areas shall not be deemed or construed to affect any existing act, or any part thereof, relating to special assessments or other powers of cities and towns, but shall be supplemental thereto and concurrent therewith.

**NEW SECTION** Sec. 22. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION** Sec. 23. Sections 1 through 22 of this act are hereby added to Title 35 RCW."

The motion carried and the amendment was adopted.

On motion of Senator McDougall, the rules were suspended, Engrossed Senate Bill No 130 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 130, and the bill passed the Senate by the following vote. Yeas, 45; nays, 1; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson. 45

Voting nay: Senator Newschwander—1.

Absent or not voting: Senators Atwood, Woodall—2.

Excused: Senator Gissberg 1.

**ENGROSSED SENATE BILL NO. 130**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Greive, Senate Joint Resolution No. 22 was ordered to hold its place on the second reading calendar for Wednesday, March 3, 1971.

#### MOTION FOR RECONSIDERATION

The Senate resumed consideration of Senate Bill No. 149 and the motion by Senator Ridder to reconsider the vote by which the amendment by Senator Mardesich, to the amendment by Senators Greive and McDougall was adopted.

Debate ensued.

## POINT OF INQUIRY

Senator Ridder: "Would Senator Greive yield to a question? Does new section 4, repeal the present situation where the people have had a chance to vote on the pay for port commissioners? Would this do this?"

Senator Greive: "Yes."

Senator Ridder: "Would this allow them then to set their own levels of pay?"

Senator Greive: "Yes."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Ridder to reconsider the vote by which the amendment by Senator Mardesich to the amendment by Senators Greive and McDougall was adopted.

The motion for reconsideration by Senator Ridder carried.

The President declared the question before the Senate to be the adoption of the following amendment by Senator Mardesich to the amendment by Senators Greive and McDougall.

In section 3, line 7, after "shall" insert "by adoption of port commission resolution authorizing same."

The motion failed and the amendment to the amendment was not adopted.

Senator Mardesich moved adoption of the following amendment to the amendment by Senators McDougall and Greive.

In section 2, line 7 of the amendment, after "shall" insert "by adoption of port commission resolution authorizing same."

Debate ensued.

Senator Talley moved that the amendment by Senator Mardesich to the amendment be laid upon the table.

The motion failed on a rising vote.

## POINT OF ORDER

Senator Mardesich: "Senator Greive is in error in that amendment I now make is to section 2 and not to section 3 to which he referred. In any event, his point of order is incorrect even if I had been amending section 3. My point simply is that it will allow those port districts who feel they do not have the money or want the increase to reject it if they do not want it."

Further debate ensued.

The motion by Senator Mardesich carried and the amendment to the amendment by Senators McDougall and Greive was adopted on a rising vote.

Senator Mardesich moved adoption of the following amendment to the amendment by Senators McDougall and Greive.

In section 3, line 7 of the amendment, after "shall" insert "by adoption of port commission resolution authorizing same."

## POINT OF ORDER

Senator Greive: "This is in effect a motion to reconsider a motion that is already reconsidered. If you will look at Reed's Rule 204 you will find that you can reconsider but once."

## REMARKS BY SENATOR MARDESICH

Senator Mardesich: "The Senator's point of order is not correct in that I have not yet moved for adoption to begin with. But having assumed that I had, the point of order is also incorrect because having reconsidered, we struck all the language and in the first amendment I struck and inserted. Now we are simply inserting and there is a distinction in the rules on mere insertion as to striking and insertion."

## RULING BY THE PRESIDENT

The President: "The President in ruling on the point of order as presented by Senator Greive has reviewed the prior proceedings of the Senate with reference to its work on proposed amendments to Senate Bill No. 149.

"The President believes that the prior proceedings of the Senate was, in effect, its final decision not to adopt a law which would make optional port commissioners' salaries by commission's resolution authorizing same.

"The amendment now proposed by Senator Mardesich seeks to have the Senate determine whether or not it wishes to enact the law which would mandate port commissioners' salaries by commission resolution. The two principles involved are substantially different so the amendment proposed by Senator Mardesich is in order. Therefore the point as presented by Senator Greive is not well taken."

The motion by Senator Mardesich carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be the adoption of the amendment by Senators McDougall and Greive, as amended.

The amendment, as amended was adopted.

### MOTION

On motion of Senator Greive, Engrossed Senate Bill No. 149 was referred to the Committee on Rules and Joint Rules.

### SECOND READING

SENATE JOINT RESOLUTION NO. 8, by Senators Woodall, Twigg, Greive and Cooney (by Legislative Council request).

Submitting to qualified voters of state an amendment to the Constitution permitting county officer to hold office in two or more contiguous counties.

The resolution was read the second time in full.

Senator Atwood moved adoption of the following amendment by Senators Atwood and Whetzel:

On page 1, line 7, after "12" insert "and repealing section 8 thereof"

On line 21, after "legislature" strike "shall" and insert "[shall] may"

After line 27 insert a new paragraph as follows:

"Article XI, section 8 is hereby repealed."

### POINT OF INQUIRY

Senator Bailey: "I would like to point out to Senator Atwood what we are really saying here is that we will consolidate county elective officials' jobs by legislative act if this were enacted.

"Now if we chose in our wisdom to consolidate, say the prosecuting attorneys of two different counties and we have not set a salary, if we turn the salaries back to the counties and do not have a state assignment of the wages, I do not know how this would work.

"Senator Atwood, maybe you can explain. If we are going to have one official serving two or more counties, what provision would be made for payment of their salary? Would each county have to come forward with an agreement imposed on them by the legislature with no power to set salaries?"

Senator Atwood: "In answer to your inquiry, this is just 'may'. If the amendment passes, that will be a problem that we can talk with the county officials. We are not, by this amendment, saying that you 'shall' set your own salary. It would give us the opportunity in the future to do so. But in and of itself, this amendment does not turn back that matter. It is still here in the legislature, Senator Bailey."

### POINT OF INQUIRY

Senator Holman: "Would Senator Atwood yield? Senator, I see what you are attempting to do but I am concerned about the possibility that the Attorney General may have to divide this to put it on the ballot because whereas we are amending section 5, Article XI having to do with election of county officials, you are also attempting now to repeal section 8 having to do with salaries. I believe that the amendatory Article in the Constitution requires that this be submitted so that they vote on these things separately. Are you concerned about this?"

Senator Atwood: "No, I am not. I will yield to Senator Whetzel because he will answer your question directly."

Senator Whetzel: "That was taken care of in the amendment that was adopted. It sets the compensation and says you can increase compensation during the term and refers to about three or four other sections of the Constitution, Section 21 of Article II, section 25, Article III, section 13 of Article IV, section 8 of Article XI, section 1 of Article XXVIII.

and says that they are repealed. So we are just simply doing what has already been adopted in the Constitution."

The motion by Senator Atwood carried and the amendment was adopted.

On motion of Senator Mardesich, the following amendment was adopted.

On page 1, line 23, after "counties" insert "or groups of counties"

On motion of Senator Woodall, the rules were suspended, Engrossed Senate Joint Resolution No. 8 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Peterson (Lowell): "Would Senator Woodall yield? Senator, from your remarks, could I interpret this to mean that we are perhaps opening the door for all offices in county government to consolidate or maybe we could have one sheriff for three counties or one prosecutor for two or maybe one judge for four. Is this what we are trying to do here?"

Senator Woodall: "To a degree. We have at the present time a case where one county does not have enough business to have one judge full time, so he serves several counties. For example, over Goldendale way, the same judge serves two counties, showing that the volume of business does not need two judges. Yet by law we have to have two prosecutors."

Senator Peterson (Lowell): "Then, Senator, what we in effect would be doing would be taking away the local autonomy, wouldn't we?"

Senator Woodall: "No, because like both Skamania and Klickitat, they each vote for the office of judge and, just as you hook two counties together to get a Senator, or you hook three counties together to get a Senator, or four. You vote on him in both counties. You have local autonomy so this would envision you could have one prosecutor and everybody votes on him in both counties."

#### POINT OF INQUIRY

Senator Odegaard: "Would Senator Woodall yield to a question? Senator Woodall, do you see, maybe in the not too distant future, that we will no longer have county lines as we know them today."

Senator Woodall: "No, I do not see any immediate future of that. I think there would be too many people with pride or history that would probably want to hang on to their county lines. I doubt very much if people would vote them away."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 8 and the resolution failed to pass the Senate by the following vote: Yeas, 27; nays, 19; absent; or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Clarke, Connor, Cooney, Day, Dore, Elicker, Foley, Francis, Gardner, Greve, Holman, Huntley, Keefe, Lewis, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Stortini, Twigg, Washington, Whetzel - 27.

Voting nay: Senators Bailey, Canfield, Donohue, Fleming, Guess, Herr, Jolly, Knoblauch, McCutcheon, McDougall, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Talley, Walgren, Wilson, Woodall - 19.

Absent or not voting: Senators Durkan, Henry - 2.

Excused: Senator Gissberg - 1.

ENGROSSED SENATE JOINT RESOLUTION NO. 8, having failed to receive the constitutional two-thirds majority, was declared lost.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Woodall moved that the Senate do now reconsider the vote by which Engrossed Senate Joint Resolution No. 8 failed to pass the Senate.

## MOTIONS

On motion of Senator Woodall Engrossed Senate Joint Resolution No. 8 and the motion for reconsideration was made a special order of business at the beginning of the second reading calendar for Wednesday, March 3, 1971.

On motion of Senator Durkan, Senate Bill No. 84 was ordered to hold its place on the second reading calendar for Wednesday, March 3, 1971

## SECOND READING

SENATE JOINT MEMORIAL NO. 5, by Senators Woodall, Bailey, Matson, McDougal and Canfield:

Requesting the federal government to assume greater obligation for certain welfare programs.

The memorial was read the second time in full

On motion of Senator Bailey, the rules were suspended, Senate Joint Memorial No. 5 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 5, and the memorial passed the Senate by the following vote: Yeas, 46; nays, 2, excused, 1

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortun, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall 46

Voting nay: Senators Dore, Scott 2.

Excused: Senator Gissberg—1

SENATE JOINT MEMORIAL NO. 5, having received the constitutional majority, was declared passed

SENATE BILL NO. 108, by Senators Andersen, Odegard and Walgren (by departmental request):

Providing changes in the sentencing of persons convicted of more than one crime

The bill was read the second time by sections

Senator Durkan moved adoption of the following amendment by Senators Durkan and Andersen

On page 2 following section 1, add a new section to read as follows.

"Sec. 2 No court shall suspend or defer the sentence of any person having been convicted of selling narcotic or dangerous drugs."

Debate ensued

## POINT OF INQUIRY

Senator Canfield: "Would Senator Andersen yield? Senator, the amendment says the courts shall not suspend nor defer sentence. My question is, if that person is sentenced, then could the department of social and health services rehabilitate him, for instance by turning him loose in the community or under some of their rehabilitation policies so that he could go on and carry on as he did before? Does this plug that loophole?"

Senator Andersen: "No, it does not directly. A person who is, say sentenced to the state penitentiary on a charge of selling drugs or can be paroled. But he is subject to certain definite restrictions on parole. For example, it takes so many years, or a year before he can be considered for parole. There are also built into the law certain minimum terms as far as persons who are convicted are concerned. The board of prison terms and paroles operating within the scope of the law relating to the board of prison terms and paroles can grant

parole and in cases they consider appropriate parole risks. Hopefully they would keep in mind the nature of the offense and the things we have been discussing here in debate in deciding whether to parole a person.

"The point is that this whole process of probation and parole is completely short circuited when a judge gives a man a suspended sentence or a deferred sentence. He does not even go to the penitentiary or the reformatory. He just walks out in the street again to go about his business of selling more narcotics."

#### POINT OF INQUIRY

Senator Woodall: "Senator Andersen, I think we are all as interested in getting what we call a dope peddler. I certainly think a person who makes his living doing that sort of thing is worthy of receiving all the epithets which you have named.

This particular amendment, do you now have it so as between two college students, if one received from the other a dollar and went out and bought drugs and then passed it on, have you placed this college student now in the same category with the case hardened individual who daily makes these tremendous profits that we are talking about?"

Senator Andersen: "If they are under the age of eighteen, they would be treated as juveniles, as you know Senator Woodall. So far as the college students that are over that age are concerned, I believe the remarks that Senator Durkan made previously when he initially moved the adoption of the amendment are appropo. I believe that that is the kind of thing that would in a hundred cases out of a hundred be charged under possession.

"But so far as the gamut of this amendment is concerned, yes, it is very broad. If a person does sell narcotic drugs, then the person would not be subject to a suspended or a deferred sentence. It has to be that broad. I do believe that so far as selling is concerned, there is some discretion on the part of prosecutors as to how they charge the offense. As a practical matter I think this is something that there is ample room for in the well known institution called the prosecutor's discretion."

#### MOTION

On motion of Senator Durkan, Senate Bill No. 108 and the pending amendment by Senators Durkan and Andersen was ordered to hold its place on the second reading calendar for Friday, March 5, 1971.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence within the bar of the Senate of Mrs. Julia Herrmann, a long time employee of the Washington State Senate and appointed a special committee consisting of Senators Keefe, Twigg, Day, Guess and Cooney and Mrs. Herrmann's son, State Insurance Commissioner, Karl Herrmann to escort the honored guest to a place of honor upon the rostrum.

With leave of the Senate, business was suspended to permit Mrs. Herrmann to address the Senate on her eighty-seventh birthday. The guest being introduced by Senator James Keefe. Appropriate remarks were also made by Karl Herrmann.

The honored guest was escorted by the special committee from the Senate Chamber.

#### MOTION

At 4:10 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Wednesday, March 3, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-SECOND DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, March 3, 1971.

The Senate was called to order at 11 00 a m by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Dore.

The Color Guard, consisting of Pages JoAnne McCarthy, Color Bearer, and Stuart Aunsley presented the Colors. Reverend Maurice Haehlen, pastor of United Churches of Olympia, offered prayer as follows:

"Almighty God, thou eternal Father of us all, let not the glow of our good health—nor the luxury of these surroundings—nor the beauty of this day—deceive us into a false reliance upon our own strength nor blind us to the emergency that now confronts our great state. Save us from the error of asking Thy blessing on our private lives while we refuse to follow Thy guidance in our public decisions. Grant that the democratic processes may be seen at their best in this place in this crucial time of trouble, and thus may we find Thy good purposes for mankind becoming a reality among us. Amen."

On motion of Senator Greve, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

March 3, 1971.

SENATE BILL NO. 36, prohibiting the attorney general and assistants from the private practice of law (reported by Judiciary Committee).

MAJORITY recommendation: Do pass.

Signed by Senators Gussberg, Chairman; Andersen, Atwood, Durkan, Foley, Francis, Holman, Twigg, Waigren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.

SENATE BILL NO. 51, providing for changes in certain licensing regulations (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution).

MAJORITY recommendation: That Substitute Senate Bill No. 51 be substituted therefor and the substitute bill do pass.

Signed by Senators Day, Chairman; Cooney, Elicker, Francis, Keefe, McCutcheon, Newschwander, Odegaard, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

March 1, 1971.

SENATE BILL NO. 67, revising the Washington public employees' retirement system (reported by Committee on Public Pensions and Social Security).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Clarke, Day, Herr, Murray, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

February 26, 1971.

SENATE BILL NO. 71, enacting the Model Escheat of Postal Savings System Accounts Act (reported by Committee on Ways and Means).

MAJORITY recommendation: Do pass.

Signed by Senators Durkan, Chairman; Andersen, Atwood, Bailey, Connor, Day, Donohue, Dore, Fleming, Guess, Herr, Holman, Huntley, Jolly, Lewis, Mardesich, Sandison, Twigg, Waigren, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.

SENATE BILL NO. 110 declaring a policy relative to steelhead trout (reported by Committee on Natural Resources, Fisheries and Game)  
 MAJORITY recommendation: Do pass.  
 Signed by: Senators Peterson (Lowell), Chairman, Gissberg, Matson, Metcalf, Peterson (Ted), Talley  
 Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.

SUBSTITUTE SENATE BILL NO. 146, enacting the Uniform Controlled Substances Act (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution)  
 MAJORITY recommendation: That Second Substitute Senate Bill No. 146 be substituted therefor and the second substitute bill do pass.  
 Signed by: Senators Day, Chairman; Cooney, Elcker, Holman, Keefe, Newschwander, Odegaard, Woodall.  
 Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971

SENATE BILL NO. 161, authorizing relocation of harbor lines in front of Kalama and Everett (reported by Committee on Natural Resources, Fisheries and Game)  
 MAJORITY recommendation: Do pass.  
 Signed by: Senators Peterson (Lowell), Chairman; Bailey, Donohue, Gissberg, Matson, Metcalf, Peterson (Ted), Sandison, Talley.  
 Passed to Committee on Rules and Joint Rules for second reading.

March 1, 1971.

SENATE BILL NO. 186 amending the law enforcement officers' and fire fighters' retirement system act (reported by Committee on Public Pensions and Social Security)  
 MAJORITY recommendation: Do pass as amended  
 Signed by: Senators Fleming, Chairman, Clarke, Day, Herr, Murray, Odegaard,  
 Passed to Committee on Rules and Joint Rules for second reading

February 27, 1971.

SENATE BILL NO. 226, requiring the state to pay certain costs incurred in the condemnation of real estate for highway purposes (reported by Judiciary Committee)  
 MAJORITY recommendation: That Substitute Senate Bill No. 226 be substituted therefor and the substitute bill do pass.  
 Signed by: Senators Gissberg, Chairman, Andersen, Clarke, Foley, Francis, Holman, Twigg, Woodall.  
 Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971

SENATE BILL NO. 335, prohibiting the commercial taking of crawfish (reported by Committee on Natural Resources, Fisheries and Game)  
 MAJORITY recommendation: Do pass.  
 Signed by: Senators Peterson (Lowell), Chairman; Clarke, Donohue, Gissberg, Metcalf, Peterson (Ted), Sandison, Talley.  
 Passed to Committee on Rules and Joint Rules for second reading.

March 1, 1971.

SENATE BILL NO. 353, providing credit for certain prior service by law enforcement officers and fire fighters for the purposes of retirement (reported by Committee on Public Pensions and Social Security)  
 MAJORITY recommendation: Do pass.  
 Signed by: Senators Fleming, Chairman, Clarke, Day, Herr, Murray, Odegaard.  
 Passed to Committee on Rules and Joint Rules for second reading.

March 1, 1971.

SENATE BILL NO. 401, allowing larger vehicles to use public highways (reported by Committee on Transportation)  
 MAJORITY recommendation: That Substitute Senate Bill No. 401 be substituted therefor and the substitute bill do pass.  
 Signed by: Senators Washington, Chairman, Henry, Vice Chairman, Connor, Donohue, Durkan, Guess, Huntley Jolly, Keefe, Murray, Peterson (Lowell), Sandison, Stender, Talley, Wagnen.  
 Passed to Committee on Rules and Joint Rules for second reading.



March 2, 1971.

SENATE BILL NO. 411, regulating outdoor music festivals (reported by Committee on Commerce and Regulatory Agencies)

MAJORITY recommendation: Do pass as amended

Signed by: Senators Mardesich, Chairman, Andersen, Clarke, Cooney, Day, Fleming, Foley, Huntley, Keefe, Knoblauch, McDougall, Twigg, Whetzel

Passed to Committee on Rules and Joint Rules for second reading

March 3, 1971.

SENATE BILL NO. 419, authorizing tuition supplement program for resident students attending private institutions of higher education (reported by Committee on Higher Education and Libraries)

MAJORITY recommendation: Do pass as amended

Signed by: Senators Sandison, Chairman, Dore, Durkan, Foley, Francis, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971

SENATE BILL NO. 431, revising parole and minimum terms (reported by Judiciary Committee)

MAJORITY recommendation: Do pass as amended

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Foley, Francis, Holman, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.

SENATE BILL NO. 469, establishing an administrative procedures act for state institutions of higher education and providing for delegation of certain powers (reported by Committee on Higher Education and Libraries).

Recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Atwood, Dore, Durkan, Foley, Francis, Gardner, Guess, Henry, Holman, Huntley, Lewis, Metcalf, Scott, Wilson

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971

SENATE BILL NO. 489, providing for child visitation rights on the part of parents and other persons having an interest in the welfare of the child (reported by Judiciary Committee)

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Atwood, Clarke, Durkan, Foley, Francis, Holman, Twigg, Walgren, Woodall

Passed to Committee on Rules and Joint Rules for second reading

March 1, 1971

SENATE BILL NO. 522, providing for transfer of certain funds to the Washington public employees' retirement system (reported by Committee on Public Pensions and Social Security)

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman, Clarke, Day, Herr, Murray, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading

March 3, 1971.

SENATE BILL NO. 545, establishing the state environmental policy (reported by Committee on Natural Resources, Fisheries and Game).

MAJORITY recommendation: Do pass

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Donohue, Gissberg, Matson, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

March 2, 1971.

SENATE BILL NO. 737, creating a commission for Expo '74; authorizing bonds and construction (reported by Committee on Commerce and Regulatory Agencies).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman, Andersen, Cooney, Day, Fleming, Foley, Gardner, Huntley, Keefe, Knoblauch, McDougall, Stortum, Twigg

Passed to Committee on Rules and Joint Rules for second reading.

March 2, 1971.

SENATE BILL NO. 738, relating to the filing and licensing of business corporations (reported by Committee on Commerce and Regulatory Agencies).

MAJORITY recommendation: Do pass as amended.  
Signed by: Senators Mardesich, Chairman, Andersen, Cooney, Day, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Twigg  
Passed to Committee on Rules and Joint Rules for second reading.

March 2, 1971.  
SENATE BILL NO. 739, pertaining to the acquisition of land and the construction and use of a state building in the city of Spokane (reported by Committee on Commerce and Regulatory Agencies)

MAJORITY recommendation: Do pass as amended.  
Signed by: Senators Mardesich, Chairman, Andersen, Cooney, Day, Fleming, Foley, Gardner, Huntley, Keefe, Knoblauch, McDougall, Twigg  
Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.  
SENATE BILL NO. 809, pertaining to the judiciary (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.  
Signed by: Senators Gissberg, Chairman, Dore, Vice Chairman, Andersen, Atwood, Clarke, Durkan, Foley, Greive, Holman, Twigg, Woodall.  
Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971  
SENATE JOINT MEMORIAL NO. 7, petitioning Congress to create a new circuit of the United States Court of Appeals to be centered in Seattle (reported by Judiciary Committee):

MAJORITY recommendation: Do pass  
Signed by: Senators Gissberg, Chairman, Atwood, Durkan, Foley, Holman, Twigg, Walgren.  
Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971  
ENGROSSED HOUSE BILL NO. 11, establishing laws relating to the use, sale, control and possession of dangerous drugs (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.  
Signed by: Senators Gissberg, Chairman, Andersen, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.  
Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.  
HOUSE BILL NO. 55, exempting denial, suspension, or revocation of a driver's license from the administrative procedure act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.  
Signed by: Senators Gissberg, Chairman, Andersen, Atwood, Clarke, Durkan, Foley, Twigg, Walgren, Woodall.  
Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.  
HOUSE BILL NO. 143, providing that professional service corporations with one shareholder need have only one officer and director (reported by Judiciary Committee)

MAJORITY recommendation: Do pass.  
Signed by: Senators Gissberg, Chairman, Andersen, Atwood, Clarke, Durkan, Foley, Francis, Holman, Twigg, Walgren, Woodall.  
Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.  
ENGROSSED HOUSE BILL NO. 206, permitting immediate transfers of assets under the bulk sales act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.  
Signed by: Senators Gissberg, Chairman, Andersen, Atwood, Clarke, Durkan, Foley, Francis, Holman, Twigg, Walgren, Woodall.  
Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.  
ENGROSSED HOUSE BILL NO. 234, providing criminal penalties for removing from the state property subject to a security agreement (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.  
Signed by: Senators Gissberg, Chairman, Andersen, Atwood, Clarke, Durkan, Foley, Francis, Holman, Twigg, Walgren, Woodall.  
Passed to Committee on Rules and Joint Rules for second reading.

March 2, 1971.

ENGROSSED HOUSE BILL NO. 405, regulating practical nurses (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution)

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cooney, Elicker, Greive, Keefe, Newschwander, Odegard, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence within the bar of the Senate of Nancy K. Peterson, Miss Washington of 1970-71 and appointed a special committee of Senators Jolly, McDougall, Huntley, Foley and Whetzel to escort Miss Washington to a place of honor upon the rostrum.

With leave of the Senate, business was suspended to permit the honored guest to address the Senate

#### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 18, by Senators Washington, Jolly, Huntley, Foley, Greive, Bailey, Atwood, Andersen, Knoblauch, McDougall, Ebcker and Wilson:

Designating Miss Nancy Kay Peterson, Miss Washington, as this state's honorary hostess

On motion of Senator Washington, the rules were suspended, Senate Concurrent Resolution No. 18 was advanced to second reading and read the second time in full

On motion of Senator Washington, the rules were suspended, Senate Concurrent Resolution No. 18 was advanced to third reading, the second reading considered the third, and the resolution was adopted

The special committee escorted Miss Washington from the Senate Chamber

#### SIGNED BY THE PRESIDENT

The President signed

SENATE CONCURRENT RESOLUTION NO. 17

There being no objection, the Senate returned to the third order of business.

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, March 2, 1971.

TO THE HONORABLE, THE SENATE,  
OF THE STATE OF WASHINGTON.

GENTLEMEN.

I have the honor to advise that Governor Evans has approved the following Senate Bill, entitled

SENATE BILL NO. 8: Providing for cemetery districts in all counties.

Sincerely,  
RICHARD W. HEMSTAD  
Legal Assistant

#### MESSAGES FROM THE SECRETARY OF STATE DEPARTMENT OF STATE OFFICE OF THE SECRETARY

March 1, 1971.

TO THE HONORABLE, THE PRESIDENT OF THE SENATE,  
THE LEGISLATURE OF THE STATE OF WASHINGTON,  
OLYMPIA, WASHINGTON.

SIR

On July 31, 1970, Herbert B. Shannon, a registered voter and resident of the State of Washington, and a director of Conifer Enterprises, Inc., for and on behalf of said organization tendered five copies of a proposed measure to be an Initiative to the Legislature of the State of Washington, accompanied by his affidavit. The copies of the proposed measure were filed, and the measure was identified as Initiative Measure No. 38 to the Legislature. On August 7, 1970, a ballot title was prepared by the Attorney General.

I further certify that on December 31, 1970, persons representing Conifer Enterprises, Inc., submitted signature petition sheets, which were determined to contain 121,077 signatures for filing and canvass, and requested that a report of the final canvass and count be certified to the 1971 Legislature. Accompanying the petitions was a certified financial statement, reporting in detail the contributions received and expenditures made by Conifer Enterprises, Inc., relative to its signature campaign.

Since the Constitution of the State of Washington requires that an Initiative to the Legislature be signed by at least 101,229 registered voters, the initiative had to be shown to have no fewer than 19,848 invalid signatures. Since random sampling was not feasible for this initiative, signatures were canvassed individually.

The canvassing of a conclusive portion of said signatures was completed on February 26, 1971. At that point we had examined 70,996 of the signatures on the initiative, of which 38,896 were valid signatures of registered voters, and 32,100 were invalid signatures. The invalid signatures included:

Not registered	28,821
Improper signature	1,265
Multiple signature	2,014
	<u>32,100</u>

Portions of the invalid signatures were double checked to assure the accuracy of the canvass.

Since the number of invalid signatures (32,100) clearly exceeds the difference between the number of signatures submitted and the number required by the Constitution of the State of Washington (19,848), I have, today, notified the sponsors that I have rejected Initiative No. 38 to the Legislature as insufficient, and that it will not be transmitted to the Legislature for its consideration.

Respectfully submitted,  
A. LUDLOW KRAMER  
Secretary of State.

March 1, 1971.

TO THE HONORABLE, THE PRESIDENT OF THE SENATE,  
THE LEGISLATURE OF THE STATE OF WASHINGTON,  
OLYMPIA, WASHINGTON.

SIR,

On August 18, 1970, Donald Nicholson and Lawrence W. Pirkie, registered voters and residents of the State of Washington tendered five copies of a proposed measure to be an Initiative to the Legislature of the State of Washington, accompanied by their affidavits. The copies of the proposed measure were filed, and the measure was identified as Initiative Measure No. 39 to the Legislature. On August 25, 1970, a ballot title was prepared by the Attorney General.

I further certify that on December 31, 1970, the sponsors submitted signature petition sheets, which were determined to contain 124,501 signatures for filing and canvass, and requested that a report of the final canvass and count be certified to the 1971 Legislature. Accompanying the petitions was a certified financial statement, reporting in detail the contributions received and expenditures made relative to the signature campaign.

Since the Constitution of the State of Washington requires that an Initiative to the Legislature be signed by at least 101,229 registered voters, the initiative had to be shown to have no fewer than 28,272 invalid signatures. Since random sampling was not feasible for this initiative, signatures were canvassed individually.

The canvassing of a conclusive portion of said signatures was completed on February 26, 1971. At that point we had examined 93,786 of the signatures on the initiative, of which 65,621 were valid signatures of registered voters, and 28,165 were invalid signatures. The invalid signatures included:

Not registered	24,303
Improper signature	1,480
Multiple signature	2,382
	<u>28,165</u>

Portions of the invalid signatures were double checked to assure the accuracy of the canvass.

Since the number of invalid signatures (28,165) clearly exceeds the difference between the number of signatures submitted and the number required by the Constitution of the State of Washington (23,272), I have, today, notified the sponsors that I have rejected Initiative No. 39 to the Legislature as insufficient, and that it will not be transmitted to the Legislature for its consideration.

Respectfully submitted,  
A. LUDLOW KRAMER  
Secretary of State.

### SPECIAL ORDER OF BUSINESS

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 13, by Senators Greive, Bailey and Lewis. Adopting the joint rules of the forty-second session of the legislature.

The time having arrived, the Senate resumed consideration of Engrossed Senate Concurrent Resolution No. 13 as amended by the House.

On motion of Senator Greive the Senate concurred in the House amendments to Engrossed Senate Concurrent Resolution No. 13.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 13, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senators Huntley, McCutcheon, Washington—3.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 13, as amended by the House, having received the constitutional majority, was declared passed.

### SPECIAL ORDER OF BUSINESS

SENATE JOINT RESOLUTION NO. 5, by Senators Walgren, Twigg, Keefe, Bailey and Atwood (by Municipal Committee request).

Authorizing lotteries.

The time having arrived the Senate resumed consideration of Senate Joint Resolution No. 5 and the following House amendment.

On page 1, line 9, after "divorce," insert "*Lotteries shall be prohibited except as specifically authorized upon the affirmative vote of sixty percent of the members of each house of the legislature or, notwithstanding any other provision of this Constitution, by referendum or initiative approved by a sixty percent affirmative vote of the electors voting thereon.*"

### MOTION

Senator Walgren moved that the Senate do concur in the House amendment to Senate Joint Resolution No. 5.

### POINT OF INQUIRY

Senator Canfield: "Would Senator Walgren yield? Senator, I would like to get your rationale on this sixty percent not only in the state legislature but on the referendum or initiative procedure.

"Now if the United States Supreme Court should reaffirm the one man one vote principle and apply it to this, would it not in effect nullify this part of this amendment and then it would leave it open to just a simple majority?"

Senator Walgren: "I believe that you would be correct in that, Senator Canfield. I cannot place any great rationale for requiring a sixty percent but this is what the House wanted to have and I think that it is so close to what we passed through the Senate that we should buy it at this time. But I agree with you that if the Supreme Court finally ruled that the one man one vote principle applied to these things that it would just require a majority to pass an initiative or a referendum."

Debate ensued.

#### POINT OF INQUIRY

Senator Metcalf: "Would Senator Walgren yield to another question? Senator, did I understand it correctly then that if the Supreme Court would rule and outlaw the sixty percent vote, then the legislature would be totally free to act and authorize any type of gambling in the state of Washington that they chose to authorize by a majority vote?"

Senator Walgren: "I would say this, that if the Supreme Court of the United States declared that the provision that we are putting on by virtue of this amendment was unconstitutional, that is correct. That is exactly what would happen. Just exactly what we passed through the Senate when we first passed Senate Joint Resolution No. 5."

Further debate ensued.

#### POINT OF INQUIRY

Senator Stender: "Would Senator Gissberg yield? Senator, I think in following through with what you just said, isn't it true that if there was not a prohibition by law against card games in this state as of now then card games could be made legal, notwithstanding the constitutional prohibition, is that correct?"

Senator Gissberg: "Yes, that is correct insofar, if we follow the Attorney General's opinion on this basic portion again, we could simply amend the appropriate statute on the books right now to make gambling with cards legal."

#### POINT OF INQUIRY

Senator Canfield: "Going back to Senator Walgren's statement and to Senator Metcalf's shift of position. My remarks were directed particularly to this sixty percent provision in the legislature and then secondly in the referendum provision."

"I do not think the Supreme Court would touch any sixty percent action that we take in this body. I do not think they are interested in our internal rules, whether it is sixty percent or two-thirds or what not. We have a right to do that. But when it goes before the electorate, then I think the Supreme Court's decision on one man one vote could stand. Senator Walgren, I hope you will agree with my interpretation of this statement. Is that correct?"

Senator Walgren: "Yes."

Further debate ensued.

The motion by Senator Walgren carried and the Senate concurred in the House amendment to Senate Joint Resolution No. 5.

#### POINT OF INQUIRY

Senator Wilson: "Senator Walgren, would you yield? If this constitutional amendment becomes part of the Constitution and the legislature by a sixty percent vote should authorize a certain form of lottery and if the people then desired through referendum against our authorization, would the people's referendum then require a fifty or sixty percent vote?"

Senator Walgren: "This is after the Constitution has been amended?"

Senator Wilson: "Yes, and after the legislature had by a sixty percent vote passed a bill authorizing some form of lottery."

Senator Walgren: "I believe it would take a sixty percent vote of the people."

Senator Wilson: "To upset our decision?"

Senator Walgren: "I think so."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 5, as amended by the House, and the resolution passed the Senate by the following vote. Yeas, 43; nays, 5; absent or not voting, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elcker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Hobman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougal, Mardesich,

Matson, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Tailey, Twigg, Walgren, Wilson, Woodall 43.

Voting nay: Senators Durkan, Metcalf, Scott, Washington, Whetzel—5.

Absent or not voting: Senator Fleming—1.

SENATE JOINT RESOLUTION NO. 5, as amended by the House, having received the constitutional two-thirds majority, was declared passed

#### MESSAGES FROM THE HOUSE

March 2, 1971

Mr. President, The House has passed:  
ENGROSSED HOUSE BILL NO. 322,  
ENGROSSED HOUSE BILL NO. 337,  
ENGROSSED HOUSE BILL NO. 401,  
ENGROSSED HOUSE BILL NO. 408,  
ENGROSSED HOUSE BILL NO. 415,  
SUBSTITUTE HOUSE BILL NO. 562,  
HOUSE BILL NO. 606,  
ENGROSSED HOUSE BILL NO. 636,  
HOUSE BILL NO. 728,  
HOUSE BILL NO. 878,  
HOUSE CONCURRENT RESOLUTION NO. 8,  
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 11,  
and the same are herewith transmitted MALCOLM McBEATH, Chief Clerk.

March 2, 1971.

Mr. President, The Speaker has signed  
SENATE CONCURRENT RESOLUTION NO. 9,  
SENATE CONCURRENT RESOLUTION NO. 17,  
and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 322, by Representatives Marsh, Kirk, Chatalas, Backstrom, Ceccarelli, Conner, Litchman, McCormick and Merrill:

Authorizing school districts to lease school buses for the use of retarded children.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 337, by Representatives Kuehnle, Haussler, Pardini and Hatfield.

Requiring notice to owners of adjoining land when real property of an irrigation district is sold

Referred to Committee on Cities, Towns and Counties

ENGROSSED HOUSE BILL NO. 401, by Representatives North, Thompson, Newhouse, Curtis, Gilleland and Smythe.

Requiring charge of fees for use of state parks, and stating legislative intent therefor

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs

ENGROSSED HOUSE BILL NO. 408, by Representatives Eikenberry, Bottiger, Julin, Barden, Pardini, Chatalas, Ross, Backstrom, Polk, Gilleland and Jones

Revising the deed of trust statute.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 415, by Representatives Amen, Haussler and Bledsoe (by Joint Committee on Governmental Cooperation and departmental request):

Providing for the investigation and control of pesticide poisoning

Referred to Committee on Agriculture and Horticulture.

SUBSTITUTE HOUSE BILL NO. 562, by Committee on Labor and Employment Security

Providing for fees for electrical inspections.  
Referred to Committee on Labor and Industries Insurance

HOUSE BILL NO. 606, by Representatives Goldsworthy and Bottger:  
Defining lawful entrance on private property for the purposes of chapter 16.08 RCW  
Referred to Judiciary Committee

ENGROSSED HOUSE BILL NO. 636, by Representatives Haussler, Kulbury and Amen.

Modifying the law on pesticide application.  
Referred to Committee on Agriculture and Horticulture

HOUSE BILL NO. 728, by Representatives Thompson, Benitz and Haussler:  
Pertaining to taxable status of public property when transferred to private ownerships.  
Referred to Committee on Ways and Means—Revenue and Taxation

HOUSE BILL NO. 878, by Representatives Charette, Goldsworthy and Knowles.  
Making an appropriation for publication of the session laws.  
Referred to Committee on Ways and Means—Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 8, by Representatives Lynch, King and Kiskaddon:

Authorizing a study to determine the feasibility of consolidating community college districts.

Referred to Committee on Higher Education and Libraries.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 11, by Representatives Flanagan, North, Backstrom and Moon

Directing a study of public services.  
Referred to Committee on Ways and Means—Revenue and Taxation.

## MOTIONS

On motion of Senator Peterson (Lowell), the Committee on Natural Resources, Fisheries and Game was relieved of further consideration of Senate Concurrent Resolution No. 12

On motion of Senator Peterson (Lowell), Senate Concurrent Resolution No. 12 was referred to the Committee on Education

On motion of Senator Odegaard, the following resolution was adopted:

## SENATE RESOLUTION: 1971-21

By Senators Odegaard and Metcalf:

WHEREAS, The sports skin divers of the state of Washington contribute hundreds of hours yearly in public and civic service at no cost to the recipients; and

WHEREAS, These services include the offering of educational programs involving water safety, and environmental services such as the removal of trash and harmful debris from the public beaches and waters of Washington; and

WHEREAS, The sports skin divers of Washington have rendered invaluable service to the public in many search and rescue efforts;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington express its gratitude to the skin divers of the state of Washington for their many contributions to the welfare of the people of Washington, and

BE IT FURTHER RESOLVED, That the Senate of the state of Washington request of the Governor that he designate the first week in August of each year, which this year will begin on August 1st, as Washington State Skin Divers' week; and

BE IT FURTHER RESOLVED, That a suitably inscribed copy of this resolution be prepared and forwarded to the Honorable Daniel J. Evans, Governor of this State and to the Washington Council of Skin Diving Clubs by the Secretary of the Senate.

Senator Dore moved adoption of the following resolution:



## SENATE RESOLUTION 1971-22

By Senators Dore, Bailey, Greive, Ridder, Durkan, Woodall, Guess, Peterson (Ted), Canfield, Andersen and Lewis:

WHEREAS, It has heretofore been a long standing practice in this State that the Governor and the appropriate budgetary and finance officer of the State submit to each member of the Legislature in advance of any regular session a publication containing the names, positions, designations and annual salaries of all state officers and employees; and

WHEREAS, Beginning with the 1969 Regular Session of the Legislature this practice was abandoned on the stated ground of economy and only a limited number of such publications were then and have since been distributed for the information of the members of the Legislature; and

WHEREAS, In fact the preparation and distribution of sufficient copies of such publication to accommodate each member of the Legislature cannot possibly involve more than a nominal and negligible expense; and

WHEREAS, The tremendous increase of both officers and employees and of salaries attached to their positions during the past six years of government reorganizational programming is a matter that should be especially called to the personal attention of every member of the Legislature particularly in these times of economic stress;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington in the 42nd Legislative Session assembled, That the Governor direct the office of program planning and fiscal management to prepare and place on the desk of each member of the Legislature at the commencement of its 43rd Regular Session a true copy of the publication described in the first recital hereof

Debate ensued.

## POINT OF INQUIRY

Senator Woodall: "Would Senator Atwood yield? Senator, you say the publication is out of date every six months? You mean they are adding them that fast or."

Senator Atwood: "No, there are changes in salaries that fast. There are changes in classification, Senator. There are personnel hearings going all the time. If you have ever listened to the personnel boards, the people are having their classifications changed, there is a new professor hired, etc., and you really do not have a complete list at any one time."

"I do not want to blame Walt Howe for this or their office but it was the consensus of the budget committee that this was a much better system and I think it is probably our fault, the committee as a whole, for not letting the legislature know this."

Further debate ensued.

## POINT OF INQUIRY

Senator Stender: "While we are on the subject, I think it might be appropriate to mention that there was some special committee that was appointed to search out and find out how much money was being spent on these so-called sabbaticals. The report I read in the paper was some \$10 million was going this route. Could we find out about that and who and where that was being spent."

Senator Atwood: "Senator, it was distributed to you by the budget committee with a list of everybody on stipends, how much they were and if you will read the appendices in that report it gives a complete detailed list of all colleges and universities and all the state agencies. I will give you mine if you do not have yours. It was distributed to all members of the legislature."

Further debate ensued.

## POINT OF INQUIRY

Senator Wilson: "Will Senator Dore yield? Senator, do you have a fiscal note as to the cost to the state and the taxpayers of producing these books?"

Senator Dore: "I think that we have some idea. It cost eight hundred dollars to produce these twenty copies for twenty members of the Senate and it was a lot more expensive to do it on a piecemeal system. We could probably do it for maybe double that cost and get a hundred. I assume the House would have to take care of themselves. If it was done in advance and done by the state printer it would be much more than what we actually paid to just give copies to the members of the Senate Appropriations Committee, which we have done."

Senator Wilson: "What are you estimating the cost at now, say for one hundred and fifty copies to supply each member of the legislature?"

Senator Dore: "To reproduce twenty copies for the members of the Senate Appropriations Committee it cost eight hundred dollars which I thought was exceedingly high and we argued over it. I do not know if we are going to pay it. Projecting that same percentage times seven, it would cost five thousand dollars. I think frankly we can do it for

probably fifteen hundred two thousand dollars because we could reproduce on a volume basis of one hundred and fifty. I think we can save millions, Senator, by doing it."

Further debate ensued

Senators Keefe, Greve and Huntley demanded the previous question and the demand was sustained.

The motion carried and the resolution was adopted

#### MOTION

At 12:30 p.m., on motion of Senator Greve, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

#### MOTIONS

On motion of Senator Greve the motion by Senator Woodall for reconsideration of the vote by which the Senate failed to pass Engrossed Senate Joint Resolution No. 8 was ordered to hold its place on the second reading calendar for Thursday, March 4, 1971.

On motion of Senator Greve, Senate Joint Resolution No. 22 was ordered to hold its place on the second reading calendar for Thursday, March 4, 1971.

On motion of Senator Walgren, Senate Bill No. 84 was ordered returned to the Committee on Rules and Joint Rules.

#### SECOND READING

SENATE BILL NO. 249, by Senator Holman (by Judicial Council request).

Adopting a uniform law on the rendition of accused persons

The bill was read the second time by sections.

On motion of Senator Holman, the rules were suspended, Senate Bill No. 249 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Mardesich: "Would Senator Holman yield to a question? Senator, I regret that I was not on the floor during second reading for purposes of amendment. As I read this bill, the language is 'shall' all the way through it. There are no alternatives, if the court finds that certain facts exist. There was the bail, that he is the person who was under bail, and that the magistrate or whatever he is in the other area has requested return, then he 'shall' sign the extradition papers. There are no alternatives open to the judge. I thought you suggested that he 'may' and I would differ with you if you take that position. It seems to be that that alternative in the final analysis should be left open to the judge in the event there is some person who, twenty years ago, was held for some minor matter and has come to this state and had a good record here. It would appear to me that this still would hold open the possibility that he could be sent back to account for what may have been a relatively minor transgression at that time. Am I correct in my analysis?"

Senator Holman: "I think that you are correct that it does say 'shall'. We are talking about bail jumping and not anything else. Not talking about a crime that he has been convicted of. That would have to go under the extradition procedure. We are talking about where a man has been released by court on bail and has violated that and gone to another state, in which case the receiving state or the asylum state, the judge there is mandated, if the proof is presented after a trial there, that he has violated the bail, then he has to send him back.

"Now if you make it 'may', I am afraid that you lose the efficacy of it because the judges in the other states will not send him back so therefore I will not let him go without bail or with reduced bail.

"The purpose of this is to encourage judges here to reduce bail for people who might be able to get them back instead of putting up fifty thousand dollars bail. If you would like to move it back on second reading, I have no objection."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 249, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea. Senators Anderson, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall. 47.

Absent or not voting. Senators Gardner, McCutcheon—2

SENATE BILL NO. 249, having received the constitutional majority, was declared passed. Here being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 314 by Senators Holman, Peterson (Lowell) and Connor (by Joint Committee on Governmental Cooperation and departmental request):

Providing for multiple land use of state-owned lands.

The bill was read the second time by sections.

On motion of Senator Elicker, the following amendment was adopted:

On page 2, section 6, line 29, insert as section 6 the following

"NEW SECTION Sec. 6. For the purpose of providing increased continuity in the management of public lands and of facilitating long range planning by interested agencies, the department of natural resources is authorized to identify and to withdraw from all conflicting uses at such times and for such periods as it shall determine appropriate, limited acreages of public lands under its jurisdiction. Acreages so withdrawn shall be maintained for the benefit of the public and, in particular, of the public schools, colleges and universities, as areas in which may be observed, studied, enjoyed or otherwise utilized the natural ecological systems thereon whether such systems be unique or typical to the state of Washington. Nothing herein is intended to or shall modify the department's obligation to manage the land under its jurisdiction in the best interests of the beneficiaries of granted trust lands."

Renumber section 6 of the bill as section 7 and the following sections consecutively.

Senator Whetzel moved adoption of the following amendment

On page 3, section 8, line 28, after "resources" strike the rest of line 28, all of lines 29 and 30 and insert, "shall hold a public hearing in the county where the land is located prior to adoption of a plan under section 7 of this 1971 amendatory act and shall give notice of such hearing pursuant to RCW 34.04.025"

Debate ensued

## MOTION

On motion of Senator Mardesich, Senate Bill No. 314, as amended by Senator Elicker and the pending amendment by Senator Whetzel was ordered to hold its place on the second reading calendar for Thursday, March 4, 1971.

SENATE BILL NO. 336, by Senators Sandison, Peterson (Lowell) and Clarke (by Joint Committee on Governmental Cooperation request)

Providing for the adjudication of the navigability of state waters

## MOTION

On motion of Senator Greive, Senate Bill No. 336 was ordered to be held on the second reading calendar indefinitely pending a report from the Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 91, by Senators Gissberg, Woodall and Atwood

Providing that service of process under the automobile longarm statute shall be by return receipt requested registered mail to the last known address.

## REPORT OF STANDING COMMITTEE

February 27, 1971.

SENATE BILL NO. 91, providing that service of process under the automobile longarm statute shall be by return receipt requested registered mail to the last known address (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, section 1, line 13 after "[thereof]" and before the colon insert ", together with the affidavit of the plaintiff's attorney that he has with due diligence attempted to serve personal process upon the defendant at all addresses known to him of defendant and further listing in his affidavit the addresses at which he attempted to have process served. However, if process is forwarded by registered mail and defendant's endorsed receipt is received and entered as a part of the return of process then the foregoing affidavit of plaintiff's attorney need only show that the defendant received personal delivery by mail"

Signed by Senators Gissberg, Chairman, Andersen, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

The bill was read the second time by sections.

On motion of Senator Gissberg, the committee amendment was adopted.

On motion of Senator Gissberg, the rules were suspended, Engrossed Senate Bill No. 91 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 91, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Joly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowe.), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49

ENGROSSED SENATE BILL NO. 91, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act:

SENATE BILL NO. 216, by Senators Atwood, Foley and Mardesich:  
Providing for the registration of escrow agents

## MOTIONS

On motion of Senator Gissberg, Substitute Senate Bill No. 216 was substituted for Senate Bill No. 216 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Atwood, the rules were suspended, Substitute Senate Bill No. 216 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 216, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Joly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowe.), Peterson

(Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-48

Voting nay: Senator Elcker - 1

SUBSTITUTE SENATE BILL NO. 216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE CONCURRENT RESOLUTION NO. 4, by Senators Metcalf, Ridder and Elcker (by Joint Committee on Education request):

Providing for study on agency responsibility in educating handicapped children.

The resolution was read the second time in full.

On motion of Senator Metcalf, the rules were suspended, Senate Concurrent Resolution No. 4 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Guess: "Would Senator Metcalf yield? Senator, we had a hearing in Spokane last fall and a number of parents of children who are in the institution for the deaf at Vancouver journeyed all the way to Spokane to protest a move by the department of institutions to lump together the education and training of all types of retarded children."

"Is this a move on the part of the department of social and health services to join all of these people in an educational program or is it to study the real problem and to determine which is the best way to go?"

Senator Metcalf: "I am not aware of any movement by the department of institutions in this area. In my view this is an attempt to study the problems and come up with a program which will be satisfactory to everyone. I am aware of the concern that these people have that this is the first move to close the school for the deaf or to go another direction, but I am not aware that is the intent in any way."

Further debate ensued.

#### POINT OF INQUIRY

Senator Stender: "Would Senator Metcalf yield further? Does this study relate itself to Rainier School?"

Senator Metcalf: "This study would relate to any institution where there is education, educability among the handicapped students. Yes, it is my judgment that it would. If they have the young people there who are receiving education at all. We are not telling them what to do. We are saying 'You people get together. Institutions and education get together and tell us how you are doing it and give us the reasons that you are doing it for fiscal accountability.'"

Senator Stender: "Is there an educational program underway or being maintained at Rainier School now, do you know?"

Senator Metcalf: "I have to say, I cannot answer that question. I believe that there is but I am not sure."

Further debate ensued.

#### POINT OF INQUIRY

Senator Day: "Senator Metcalf, would you yield to a question? Does this confine itself strictly to a legislative study, a legislative committee? Only calling on the department for a resource?"

Senator Metcalf: "Yes, it says that the joint committee on education shall study the potential value in the transfer of the operating and fiscal responsibility of educational programs for students of common school age operated by the department of social and health services to the division of special handicapped education in the office of the superintendent of public instruction and present to the joint committee on education and the legislature prior to January 1, 1972, their proposed system for fiscal management and program evaluation and accountability of educational programs for the handicapped."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 4, and the resolution passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Ebcker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Voting nay: Senators Clarke, Foley, Henry--3.

SENATE CONCURRENT RESOLUTION NO. 4, having received the constitutional majority, was declared passed.

SENATE BILL NO. 352, by Senators Matson, Henry, Donohue and McDougall:  
Providing use tax exemption for certain motor vehicles and trailers.

## MOTION

On motion of Senator Matson, Substitute Senate Bill No. 352 was substituted for Senate Bill No. 352 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Foley, the following amendment was adopted:

On page 7, section 1, line 23, following subsection (26), add another subsection to read as follows:

*"(27) The renting or leasing of motor vehicles and trailers to a nonresident of this state for use exclusively in transporting persons or property across the boundaries of this state and in interstate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and for purposes of this exemption the term 'nonresident' shall apply to a renter or lessee who has one or more places of business in this state as well as in one or more other states but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained and operated from the renter's or lessee's place of business in another state."*

On motion of Senator Matson, the rules were suspended, Engrossed Substitute Senate Bill No. 352 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 352, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Ebcker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—45.

Voting nay: Senators Day, Durkan—2.

Absent or not voting: Senators Huntley, Woodall—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 352, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Faley, Senate Bill No. 284 was ordered to hold its place on the second reading calendar for Thursday, March 4, 1971.

At 2:45 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Thursday, March 4, 1971

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-THIRD DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., March 4, 1971.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Leslee Parr, Color Bearer, and Doug Whitman presented the Colors. Reverend Maurice Haehlen, pastor of United Churches of Olympia, offered prayer as follows.

"Almighty God our Eternal Father we pause to acknowledge our need of Thy wisdom and Thy guidance. We acknowledge that we are neither wise enough nor good enough to know all that now needs to be done to save us and our environment but do Thou give us courage to make the decisions as best we know. Help us to work with Thee this day so that it can be a good day with good things done. Help us to remember that a different world cannot be built with indifferent people. May there be no apathy in this place when we should be not.

"Thou hast made us heirs of a great heritage and trustees of priceless things help us never to forget the price that was paid for them nor the eternal vigilance required to preserve them. To this end bless this body today in all deliberations. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

March 1, 1971

SENATE BILL NO. 16, providing the powers of initiative and referendum to county electors (reported by Committee on Constitution, Elections and Legislative Processes)

MAJORITY recommendation: That Substitute Senate Bill No. 16 be substituted therefor and the substitute bill do pass.

Signed by: Senators McCutcheon, Chairman; Wilson, Vice Chairman; Canfield, Donohue, Dore, Greive, Holman, Keefe, Metcalf

Passed to Committee on Rules and Joint Rules for second reading.

March 4, 1971.

SENATE BILL NO. 65, amending the uniform reciprocal enforcement of support act (reported by Judiciary Committee).

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman, Andersen, Clarke, Foley, Holman, Twigg, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

March 2, 1971.

SENATE BILL NO. 144, providing for the segregation of taxes when property is acquired by a governmental unit (reported by Committee on Transportation).

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman, Connor, Donohue, Ehcker, Foley, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Murray, Peterson (Lowell), Stender, Talley, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.

SENATE BILL NO. 218, authorizing the issuance of revenue warrants under the municipal airports act of 1945 (reported by Committee on Cities, Towns and Counties).

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Herr, Mardesich, McDougall, Peterson (Ted), Ridder, Talley, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.

SENATE BILL NO. 231, expanding duties of dental hygienists (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Cooney, Ehcker, Francis, Holman, Keefe, Newschwander, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.

SENATE BILL NO. 233, relating to the practice of dentistry (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution).

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cooney, Ehcker, Francis, Holman, Keefe, Newschwander, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

March 2, 1971.

SENATE BILL NO. 291, amending state highway route descriptions (reported by Committee on Transportation).

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Connor, Donohue, Ehcker, Foley, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Murray, Peterson (Lowell), Stender, Talley, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

March 2, 1971.

SENATE BILL NO. 317, denying state reimbursement to school districts for certain compulsory busing (reported by Committee on Education).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; McCutcheon, Metcalf, Newschwander, Odegaard, Peterson (Ted), Stender.

MINORITY recommendation: Do not pass.

Signed by: Senators Fleming, Murray, Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

February 25, 1971.

SENATE BILL NO. 364, establishing a state building code (reported by Committee on State Government).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Atwood, Day, Ehcker, Gardner, Henry, Jolly, Lewis, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.



March 3, 1971.

SENATE BILL NO. 416, enacting the pressure systems safety act (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation: That Substitute Senate Bill No. 416 be substituted therefor and the substitute bill do pass.

Signed by: Senators Stortini, Chairman, McDougall, Matson, Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971

SENATE BILL NO. 441, making it a crime to interfere with any court (reported by Judiciary Committee)

MAJORITY recommendation: That Substitute Senate Bill No. 441 be substituted therefor and the substitute bill do pass.

Signed by: Senators Gissberg, Chairman, Dore, Vice Chairman: Andersen, Clarke, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

March 4, 1971.

SENATE BILL NO. 464, implementing law relating to school district organization (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman, Gardner, Metcalf, Odgaard, Peterson (Ted), Ridder, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.

SENATE BILL NO. 465, amending certain provisions for pilotage on Puget Sound (reported by Committee on Labor and Industrial Insurance)

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; McDougall, Matson, Bidder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.

SENATE BILL NO. 472, providing for industrial insurance premium system that encourages accident prevention progress (reported by Committee on Labor and Industrial Insurance).

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; McDougall, Matson, Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.

SENATE BILL NO. 485, enacting an open public meetings act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman, Dore, Vice Chairman, Andersen, Clarke, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

March 4, 1971.

SENATE BILL NO. 514, enacting the uniform criminal extradition act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Fleming, Herr, Mardesich, Peterson (Ted), Ridder, Talley, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.

SENATE BILL NO. 526, providing that sewer or water districts may provide term life insurance for employees or commissioners (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Fleming, Herr, Mardesich, Peterson (Ted), Ridder, Talley, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

March 4, 1971

SENATE BILL NO. 530, defining certain terms relating to vocational education (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Gardner, Metcalf, Peterson (Ted), Ridder, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading

March 4, 1971.

SENATE BILL NO. 535, implementing laws relating to state aid to school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass

Signed by: Senators Francis, Chairman; Gardner, Metcalf, Odegaard, Peterson (Ted), Ridder, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading

March 4, 1971.

SENATE BILL NO. 537, authorizing funds for proper student body purposes (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Gardner, Metcalf, Odegaard, Peterson (Ted), Ridder, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

March 4, 1971.

SENATE BILL NO. 539, mandating state board of education to implement by rule or regulation vocational educational programs in school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Gardner, Metcalf, Odegaard, Peterson (Ted), Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading

March 4, 1971.

SENATE BILL NO. 540, providing for rescheduled or extended school year (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended

Signed by: Senators Francis, Chairman; Gardner, Metcalf, Odegaard, Peterson (Ted), Ridder, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading

March 3, 1971.

SENATE BILL NO. 579, allowing cities, towns and counties to expend funds on tourist promotion (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Fleming, Herz, Mardach, McDougall, Peterson (Ted), Talley, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading

February 22, 1971.

SENATE BILL NO. 716, designating "State of Washington" as the official state march (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Day, Ellicker, Gardner, Henry, Jolly, Lewis.

Passed to Committee on Rules and Joint Rules for second reading

March 4, 1971

ENGROSSED HOUSE BILL NO. 108, providing for filling of vacancies in, quorum, for school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Gardner, Metcalf, Odegaard, Peterson (Ted), Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

March 4, 1971.

HOUSE BILL NO. 109, authorizing state board of education to establish regulations governing school district numbering (reported by Committee on Education)  
MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Gardner, Metcalf, Odegaard, Peterson (Ted), Ridder, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading

March 4, 1971

ENGROSSED HOUSE BILL NO. 118, providing for number of school directors in new school districts (reported by Committee on Education)

MAJORITY recommendation: Do pass.

Signed by Senators Francis, Chairman, Gardner, Metcalf, Odegaard, Peterson (Ted), Ridder, Washington

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.

ENGROSSED HOUSE BILL NO. 157, providing immunity from implied warrant and civil liability in blood transfusions (reported by Judiciary Committee)

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman, Andersen, Clarke, Holman, Twigg, Walgren, Woodall

Passed to Committee on Rules and Joint Rules for second reading

March 3, 1971

ENGROSSED HOUSE BILL NO. 221, creating a secretary of state's revolving fund (reported by Committee on State Government)

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman, Day, Elcker, Gardner, Henry, Jolly

Passed to Committee on Rules and Joint Rules for second reading

March 3, 1971

HOUSE BILL NO. 223, providing for certain changes in the powers, duties, and functions of the secretary of state (reported by Committee on State Government)

MAJORITY recommendation: Do pass as amended.

Signed by Senators Walgren, Chairman, Atwood, Day, Elcker, Gardner, Jolly, Lewis, Newschwander

Passed to Committee on Rules and Joint Rules for second reading

March 3, 1971

ENGROSSED HOUSE BILL NO. 239, denying liability of persons withdrawing blood for intoxication test (reported by Judiciary Committee)

MAJORITY recommendation: Do pass as amended.

Signed by Senators Gissberg, Chairman, Andersen, Clarke, Foley, Francis, Holman, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971

ENGROSSED HOUSE BILL NO. 320, delegating elevator inspection to the division of safety (reported by Committee on Labor and Industrial Insurance)

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman, McDougall, Matson, Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading

March 4, 1971.

ENGROSSED HOUSE BILL NO. 509, providing for assessments by the Washington state beef commission (reported by Committee on Agriculture and Horticulture).

Recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Canfield, Day, Donohue, Huntley, Knoblauch, McDougall, Matson, Wilson

Passed to Committee on Rules and Joint Rules for second reading.

March 4, 1971.

HOUSE BILL NO. 558, extending the definition of "public warehouse" to include open air enclosures adjacent to a warehouse building (reported by Committee on Agriculture and Horticulture);

Recommendation: Do pass.

Signed by: Senators Jolly, Chairman, Canfield, Day, Donohue, Huntley, Knoblauch, McDougall, Matson, Wilson.

Passed to Committee on Rules and Joint Rules for second reading

March 4, 1971.

HOUSE BILL NO. 621, providing that interest earned from funds of the department of agriculture shall be credited to the department of agriculture (reported by Committee on Agriculture and Horticulture):

Recommendation: Do pass.

Signed by Senators Jolly, Chairman, Canfield, Day, Donohue, Huntley, Knoblauch, McDougall, Matson, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 4, 1971.

ENGROSSED HOUSE BILL NO. 575, providing for producer-handlers on commodity boards (reported by Committee on Agriculture and Horticulture):

MAJORITY recommendation: Do pass

Signed by Senators Jolly, Chairman, Day, Donohue, Huntley, Knoblauch, McDougall, Matson, Wilson.

Passed to Committee on Rules and Joint Rules for second reading

### MESSAGES FROM THE HOUSE

March 3, 1971.

Mr. President: The House has passed:

HOUSE BILL NO. 242,

SUBSTITUTE HOUSE BILL NO. 247,

ENGROSSED HOUSE BILL NO. 273,

ENGROSSED HOUSE BILL NO. 291,

ENGROSSED HOUSE BILL NO. 303,

HOUSE BILL NO. 350,

HOUSE BILL NO. 364,

ENGROSSED HOUSE BILL NO. 394,

ENGROSSED HOUSE BILL NO. 428,

ENGROSSED HOUSE BILL NO. 445,

ENGROSSED HOUSE BILL NO. 464,

ENGROSSED HOUSE BILL NO. 491,

ENGROSSED HOUSE BILL NO. 597,

ENGROSSED HOUSE BILL NO. 1031,

ENGROSSED HOUSE JOINT RESOLUTION NO. 27,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 3, 1971.

Mr. President: The House has receded from its amendment to Senate Bill No. 311 and has passed the bill without the House amendment and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

March 3, 1971.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 18, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

March 3, 1971.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 22, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk

### SIGNED BY THE PRESIDENT

The President signed:

SENATE JOINT RESOLUTION NO. 5,

SENATE CONCURRENT RESOLUTION NO. 13,

HOUSE CONCURRENT RESOLUTION NO. 22

### INTRODUCTION AND FIRST READING

HOUSE BILL NO. 242, by Representatives Shinpoeh, Brown, Smythe and Grant (by Secretary of State request)

Providing elections officials instruction in use of voting devices and setting minimum pay for election officials.

Referred to Committee on Cities, Towns and Counties.

**SUBSTITUTE HOUSE BILL NO. 247**, by Committee on Transportation

Enacting a "Special Fuel Tax Act".

Referred to Committee on Transportation.

**ENGROSSED HOUSE BILL NO. 271**, by Representatives Hurley, Kiskaddon, Douthwaite and Charnley

Requiring environmental impact reports on interstate and primary state highways

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

**ENGROSSED HOUSE BILL NO. 291**, by Representatives Kuehnle, Litchman, Curtis, Hatfield, Bottiger, Gladder, Eikenberry, Pardini, Smith, Conway, Kopet, Morrison, Wolf, Shera, Gallagher, Bagnariol, Jastad, Adams, Rosellini, Ceccarelli, Randall, Anderson, Backstrom, Bauer, Hoggins, Knowles, Marzano and McCormick:

Relating to gambling

Referred to Committee on Commerce and Regulatory Agencies.

**ENGROSSED HOUSE BILL NO. 303**, by Representatives Barden, Gallagher, Litchman, Polk, Randall, Backstrom and Hoggins (by Joint Committee on Governmental Cooperation request):

Providing for forest fire protection.

Referred to Committee on Natural Resources, Fisheries and Game

**HOUSE BILL NO. 350**, by Representatives Wolf, Grant, Cunningham, Hoggins, Kilbury and Luders.

Authorizing increase in amount of insurance premiums school directors and higher educational institutions may pay for personnel.

Referred to Committee on Education

**HOUSE BILL NO. 364**, by Representatives Gladder, Copeland, Kopet and Grant (by Secretary of State request):

Implementing law relating to candidates' and voters' pamphlets

Referred to Committee on Constitution, Elections and Legislative Processes

**ENGROSSED HOUSE BILL NO. 394**, by Representatives Flanagan, Thompson, Julin and Martins

Providing for a state water resources management plan

Referred to Committee on Natural Resources, Fisheries and Game.

**ENGROSSED HOUSE BILL NO. 428**, by Representatives Bluechel, Perry and Conway (by departmental request):

Providing for the reorganization of the department of general administration

Referred to Committee on State Government.

**ENGROSSED HOUSE BILL NO. 445**, by Representatives Brouillet, Wolf, Zimmerman, Wojahn, McCormick, Shera, Knowles, Luders, Pardini, Litchman, Randall and Smythe (by Joint Committee on Education request)

Providing state-wide system of public and instructional television.

Referred to Committee on Education.

**ENGROSSED HOUSE BILL NO. 464**, by Representatives Hoggins, Brouillet, King, Jones, Cunningham, Knowles and Randall (by Joint Committee on Education request)

Implementing law relating to acquisition of state lands by school districts or institutions of higher education.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 491, by Representatives Hoggins, Cunningham, Shera, Brouillet, Marsh, Mentor, Sawyer, Backstrom and Bauer (by Superintendent of Public Instruction request)

Mandating state board of education to implement, by rule or regulation, vocational education programs in school districts

Referred to Committee on Higher Education and Libraries.

ENGROSSED HOUSE BILL NO. 597, by Representatives Rosellini, Hatfield and Grant

Adding an eighth member to the mobile home and recreation vehicle advisory board.

Referred to Committee on State Government

ENGROSSED HOUSE BILL NO. 1031, by Representatives Morrison, Perry and Bluechel (by executive request)

Providing for retirement of certain public employees prior to age seventy under certain conditions and on certain dates.

Referred to Committee on Public Pensions and Social Security

ENGROSSED HOUSE JOINT RESOLUTION NO. 27, by Representatives Goldsworthy, Backstrom and Kopet (by Secretary of State request):

Deleting need of publication by newspaper of laws submitted to people.

Referred to Committee on Constitution, Elections and Legislative Processes

#### MOTION FOR RECONSIDERATION

The Senate resumed consideration of the motion by Senator Woodall for reconsideration of the vote by which Engrossed Senate Joint Resolution No. 8 failed to pass the Senate.

The motion failed on a rising vote and the Senate refused to reconsider the vote by which Engrossed Senate Joint Resolution No. 8 failed to pass the Senate.

#### MOTION

On motion of Senator Greive, Senate Joint Resolution No. 22 was ordered to hold its place on the second reading calendar for Friday, March 5, 1971.

#### SECOND READING

SENATE BILL NO. 314, by Senators Holman, Peterson (Lowell) and Connor (by Joint Committee on Governmental Cooperation and departmental request):

Providing for multiple land use of state-owned lands

The Senate resumed consideration of Senate Bill No. 314, as amended by Senator Elcker, and a pending amendment by Senator Whetzel to page 3, section 8, line 28

Debate ensued.

The amendment by Senator Whetzel was adopted

Senator Mardesich moved adoption of the following amendment

On page 3, section 9, line 31, strike old section 9, being renumbered section 10, and renumber the remaining sections consecutively.

Debate ensued

The motion by Senator Mardesich carried and the amendment was adopted

Senator Mardesich moved adoption of the following amendment.

On page 3, section 6, line 11, after "act" insert: " PROVIDED, HOWEVER, In each event where the other contractual party is other than a public agency or nonprofit scientific and educational associations, public bids shall be called upon the proposal."

Debate ensued

The motion by Senator Mardesch carried and the amendment was adopted.

On motion of Senator Whetzel, the following amendment was adopted:

On page 4, section 12, line 31, strike "may" and insert "shall"

On motion of Senator Holman, the rules were suspended, Engrossed Senate Bill No. 314 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Mardesch "Will Senator Holman yield? Senator, section ten, page four, as I see it pertains to the rental that the department would receive from any city whose watershed land falls within the control of the department I had not had an opportunity to check to see what, if any, effect this might have upon the water systems of the various cities whose watersheds fall within the control of the department. Obviously it is designed to increase the rental impact. Have you any information as to what that might do?"

Senator Holman: "Yes. I perhaps should have gone into that. The second paragraph of section ten of this act makes a change in the law of condemnation.

"At the present time the law gives cities and towns the right to acquire by condemnation the ownership of state lands for watershed purposes. What this bill does in case a city or town wants to acquire state lands, they have to come to the legislature in the original instance and we make the decision as between the interests of the watershed of the city or county and the extent to which they wish to condemn.

"The department of natural resources which explained this to me, indicates that the condemnation provisions presently existing are quite different than practically all other eminent domain procedures in that you do not even have to have a preliminary order of public use. You just go and condemn.

"So, in order to solve the problem, if the two parties get locked into an imbroglio on this, they would come to the legislature to solve the problem. So that is a major change, Senator."

#### POINT OF INQUIRY

Senator Newschwander: "I wonder if Senator Holman would yield to a question? You know the city of Tacoma has a watershed up on the Green River and they have kept hunters and fishermen out to protect the water supply. Would this bill have any affect on the way the city of Tacoma manages their watershed up there?"

Senator Holman: "I could not speak to that. I know that if the city of Tacoma owns the fee, they can keep out anybody they want. If there are access roads provided as they hope to under this bill, or we give them the power to do so, they will be able to go on the state lands consistent with a multiple use concept."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 314, and the bill passed the Senate by the following vote: Yeas, 47, nays, 1, absent or not voting, 1.

Voting Yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Eucker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Joly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesch, Mason, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Taley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall - 47.

Voting nay: Senator Newschwander - 1.

Absent or not voting: Senator Henry - 1.

ENGROSSED SENATE BILL NO. 314 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 336, by Senators Sandison, Peterson (Lowell) and Clarke (by Joint Committee on Governmental Cooperation request

Providing for the adjudication of the navigability of state waters.

The bill was read the second time by sections.

Senator Gissberg moved adoption of the following amendment by Senators Gissberg and Peterson (Lowell):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION** Section 1. The legislature finds that it is essential to the general welfare of the public of the state of Washington and the orderly development and administration of the state's natural resources that the extent of the state's ownership be determined in the bodies of water in the state of Washington that the following procedure shall be a method to determine the rights of the state of Washington to such beds and shores.

**NEW SECTION** Sec. 2. The department of natural resources may investigate and cause an inventory to be made of the beds and shores of all water areas or former water areas in the state which by virtue of the federal doctrine of navigability and related ownership appear to be in the ownership of the state of Washington. In order to facilitate such investigation and inventory the department is authorized to take whatever steps are necessary, including but not limited to

- (1) Surveying;
- (2) Mapping;
- (3) Hydraulic studies and other stream or bed measurements;
- (4) Engineering studies to determine avulsion or accreted changes of any body of water;
- (5) Research and compilation of historical data;
- (6) Public hearings to obtain data pertinent to the determination of ownership.

**NEW SECTION** Sec. 3. The department of natural resources, its duly authorized assistants, employees, agents, contractors, or appointees shall have the right to enter upon all lands and bodies of water necessary to effectuate the purposes of this act, including, but not limited to making engineering and hydraulic studies, investigations, surveys and mapping. The making of such entries shall not constitute a trespass.

**NEW SECTION** Sec. 4. The department of natural resources may after the completion of investigation and inventory of any such water areas, former water areas or portions thereof appearing to be in the ownership of the state of Washington file in the superior court of the state of Washington of the county in which such area is located, or in case the area is located in one or more counties, in the county in which the department determines to be the most convenient to the parties interested therein, a map showing such area and a brief statement of facts in relation to such area including the names of each and every owner, encumbrancer, or other person or party interested therein or any part thereof, insofar as can be ascertained from the public records, whose lands are so situated they may claim an interest in said area.

**NEW SECTION** Sec. 5. Upon the filing of the statement and map, accompanied by verified petition, the judge of the superior court shall make an ex parte order directing summons to be issued and fixing the return date thereof which date shall not be less than sixty nor more than ninety days after the making of such order. A summons shall thereupon be issued out of the superior court signed and attested by the clerk thereof, in the name of the state of Washington as plaintiff, against all persons named in such statement, and also all persons unknown that may claim an interest in such areas which summons shall contain a brief statement of the object and purpose of the proceedings and shall require the defendants to appear on the return day thereof and make and file a statement of claim to or interest in the area involved setting forth the extent of such interest, and a statement that unless they appear at the time and place fixed and assert such right, judgment will be entered determining their rights according to the evidence but not to exceed the claim contained in the statement.

**NEW SECTION** Sec. 6. Service of said summons shall be made as provided by law. Due proof of service of such notice by affidavit of the person serving the same shall be filed with the clerk of such superior court. Want of service of such notice shall render subsequent proceedings void as to the person not served, but all persons or parties having been served with notice as provided in this act either by publication or otherwise shall be bound by the subsequent proceedings. The superior court or judge thereof may direct the manner of service of notices, orders, or other papers in the proceedings in cases not otherwise provided for in this act.

**NEW SECTION** Sec. 7. Upon the filing of the statement and map as provided in this act, the department will publish in a newspaper of general circulation in the county in which the area is located the summons once a week for three consecutive weeks before the return date thereof, together with a suitable copy of the map.

**NEW SECTION** Sec. 8. On or before the return day of such summons each defendant shall file in the office of the clerk a statement and also shall serve upon the department of natural resources through the attorney general at his office in Olympia, a copy thereof containing the following:

- (1) Name and post office address of the defendant;
- (2) Full nature of any right to the area as shown on the map filed with the clerk;
- (3) The date of the creation of such a right;
- (4) The legal description of such area claimed by the defendant.

Such statement shall be verified on oath by the defendant and in the discretion of the court may be amended prior to the adjudication of ownership.

**NEW SECTION** Sec. 9. Upon completion of the service of summons as provided in this act the superior court in which such proceeding is pending shall make an ex parte order



referring said proceeding to the department of natural resources to take testimony through a hearing officer who shall be a member of the bar of the state of Washington appointed by the department, and said hearing officer shall, after taking testimony make and enter findings of fact and conclusions of law determining the rights and extent of ownership of the state of Washington including all factors necessary for such determination, but not limited to issues of navigability, channel changes, accretions, avulsions, relocations and boundaries as appears from the evidence and applicable rules of law. The hearing officer in making such determinations shall take into consideration applicable state, territorial, and federal court and administrative decisions, statutes, constitutional provisions, organic acts, and all other authorities necessary for such determinations. The hearing officer shall report to and file with the superior court a transcript of such testimony and evidence received or considered and matters noticed as provided by RCW 34.04.100(4), together with a report determining all issues of law and fact for review thereon by such court as provided for herein. Prior to filing the report opportunity shall be afforded all parties appearing at the hearing to review such report and present arguments thereon.

**NEW SECTION** Sec. 10. The hearing officer appointed by the department shall fix a time and place for such hearing and serve written notice thereof on all persons or their attorneys who have appeared and filed statements in said proceedings. Notice of such hearings shall be served at least one hundred and twenty days before the time fixed. Witnesses shall be subpoenaed and oaths administered in the same manner as provided by RCW 34.04.105. The fees and mileage of witnesses shall be paid by the party at whose instance they are called as in civil actions.

**NEW SECTION** Sec. 11. Except as otherwise provided such hearings shall be conducted in the same manner as "contested cases" as provided for in chapter 34.04 RCW. The department of natural resources may adopt rules of procedure for such hearings consistent therewith.

**NEW SECTION** Sec. 12. Upon completion of the taking of testimony it shall be the duty of the department of natural resources through the hearing officer to prepare and file with the clerk of the superior court for such proceedings pending, a transcript of the testimony taken at such hearing, together with all papers and exhibits offered and received in evidence and not already a part of the record. The court shall set a time for the hearing and the department of natural resources shall prepare a notice designating a time for the hearing of said report and serve a copy of the notice, together with a copy of the report on all persons or their attorneys who have appeared in such hearing, such service shall be made not less than twenty days before the time for such hearing in the superior court either personally or by registered or certified mail.

**NEW SECTION** Sec. 13. Upon the filing of the evidence and the report of the hearing officer any interested party may, on or before five days prior to the date of the hearing, file exceptions to such report in writing and such exceptions shall set forth the grounds thereof, and a copy thereof shall be served personally or by mail upon all parties who have appeared in the hearing. If no exceptions are filed the court shall enter a decree determining the rights of the parties according to the evidence and report of the hearing officer whether such parties have appeared therein or not. If exceptions are filed the action shall proceed as in a case of reference of a suit in equity on the whole record and decide the matter by a preponderance of the evidence and the court may in its discretion take further evidence or if necessary remand the case for such further evidence to be taken by the hearing officer and may require further report by him. Appeal may be taken in the same manner as in other cases of law or equity from any judgment entered by the superior court.

**NEW SECTION** Sec. 14. Nothing in this act shall be construed as to affect or alter any prior agreement or final court decision determining the rights of the state of Washington. The hearing officer in his report shall give effect to all such agreements or decisions in determining the rights of the parties."

On motion of Senator Guess, the following amendment to the amendment by Senators Gissberg and Peterson (Lowell) was adopted:

On page 2, section 3, line 3, strike "but not limited to"

The motion by Senator Gissberg carried and the amendment as amended was adopted

#### MOTIONS

On motion of Senator Atwood, Senate Bill No. 336 was referred to the Committee on Ways and Means.

On motion of Senator Bailey, Senate Bill No. 284 was returned to the Committee on Rules and Joint Rules.

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO 311,

## SENATE CONCURRENT RESOLUTION NO. 18

## SECOND READING

SENATE BILL NO 809, by Senators Woodall and Twigg  
Pertaining to the judiciary.

## MOTIONS

Senator Fleming moved that Senate Bill No 809 be referred to the Committee on Public Pensions and Social Security

Debate ensued.

Senator Mardesich moved that the Senate recess until 2:00 p.m

Debate ensued.

The motion was lost.

On motion of Senator McDougall, Senators Metcalf and Huntley were excused.

Senator Woodall demanded a roll call on the motion by Senator Fleming to refer Senate Bill No 809 to the Committee on Public Pensions and Social Security, and the demand was sustained by Senators Guess, Donohue, McDougall, Peterson (Ted), Bailey, Holman, Atwood, Peterson (Lowell) and Keefe

## POINT OF INQUIRY

Senator Bailey: "Mr. President, would it be in order to ask Senator Dore to yield? Senator, if this bill does not go back to the Committee on Public Pensions on the coming vote, would it be your intention to place it in the Committee on Ways and Means because it has a financial impact?"

Senator Dore: "In answer to your question, I have not gotten that far yet. It does have a financial impact and I assume if it does pass we will have to put more in the budget because the judges are on a different pension system than the state and it would have a financial impact. I would then move to put it in the committee, yes."

## ROLL CALL

The Secretary called the roll and the motion by Senator Fleming failed by the following vote: Yeas, 18; nays, 28; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Connor, Cooney, Day, Dore, Fleming, Francis, Gardner, Henry, Keefe, McCutcheon, Mardesich, Murray, Odegaard, Ridder, Scott, Washington, Wilson—18

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Donohue, Elicker, Foley, Gissberg, Greive, Guess, Herr, Holman, Jolly, Knoblauch, Lewis, McDougall, Matson, Newschwander, Peterson (Lowell), Peterson (Ted), Sandison, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Woodall 28

Absent or not voting: Senator Durkan—1.

Excused Senators Huntley, Metcalf -2

## PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, in view of the vote, I somewhat have some mixed emotions about it. Evidently this is the way that this body is going to start operating. I think that we misuse the privilege here. I think that my committee was the appropriate committee.

"In view of this action, I assume that maybe Senate Bill No. 59 and other bills will be pulled out of my committee and I just do not think that the vote that this measure lost by is indicative of how this body should act. I do not think that when a bill is in the appropriate committee or it has not been sent to the appropriate committee, if you are going to have a committee named Public Pensions and Retirement Funds, then I think that that committee at some time or another should consider that measure. Thank you."

## MOTION

At 12:45 p.m., on motion of Senator Greive, the Senate recessed until 2:15 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:15 p.m.

## SECOND READING

SENATE BILL NO. 809, by Senators Woodall and Twigg,  
Pertaining to the judiciary

## REPORT OF STANDING COMMITTEE

March 3, 1971

SENATE BILL NO. 809, pertaining to the judiciary (reported by Judiciary Committee).

MAJORITY recommendation: Do pass with the following amendment

After the enacting clause strike the remainder of the bill and insert:

"Section 1 Section 2, chapter 96, Laws of 1970 ex sess. and RCW 2.12.100 are each amended to read as follows:

(1) Any member of the Washington public employees' retirement system who is eligible to participate in the judges' retirement system, may by written request filed with the director and custodian of the two systems respectively, transfer such membership to the judges' retirement system. Upon the receipt of such request, the director of the Washington public employees' retirement system shall transfer to the state treasurer (1) all employees' contributions and interest thereon belonging to such member in the employees' savings fund and all employers' contributions credited or attributed to such member in the benefit account fund and (2) a record of service credited to such member. One-half of such service but not in excess of twelve years shall be computed and credited to such member as though such service was performed as a member of the judges' retirement system. Upon such transfer being made the state treasurer shall deposit such moneys in the judges' retirement fund. In the event that any such member should terminate judicial service prior to his entitlement to retirement benefits under any of the provisions of chapter 2.12 RCW, he shall upon request therefor be repaid from the judges' retirement fund an amount equal to the amount of his employees' contributions to the Washington public employees' retirement system and interest plus interest thereon from the date of the transfer of such moneys: PROVIDED, HOWEVER, That this section shall not apply to any person who is retired as a judge as of [the effective date of this act] February 20, 1970.

(2) Any member of the judges' retirement system who was formerly a member of the Washington public employees' retirement system but who has terminated his membership therein under the provisions of chapter 41.40 RCW, may reinstate his membership in the Washington public employees' retirement system, for the sole purpose of qualifying for a transfer of membership in the judges' retirement system in accordance with subsection (1) above by making full restoration of all withdrawn funds to the employees' savings fund. Upon reinstatement in accordance with this subsection, the provisions of subsection (1) and the provisions of RCW 41.40.020(3), shall then be applicable to the reinstated member in the same manner and to the same extent as they are to the present members of the Washington public employees' retirement system who are eligible to participate in the judges' retirement system.

(3) Any member of the judges' retirement system who has rendered service for the state of Washington, or any political subdivision thereof, prior to October 1, 1947, or prior to the time of the admission of the employer into the Washington public employees' retirement system, may upon his payment into the judges' retirement fund of a sum equal to 5% of his compensation earned for such prior public service request and shall be entitled to have one-half of such service computed and not more than six years immediately credited to such member as though such service had been performed as a member of the judges' retirement system, provided that any such prior service so credited shall not be claimed for any pension system other than a judicial retirement system.

Subsections (2) and (3) of this amendatory act shall not apply to any person who is a retired judge as of the effective date of this act."

Signed by: Senators Gissberg, Chairman, Dore, Vice Chairman; Andersen, Atwood, Clarke Durkan, Foley, Greive, Holman, Twigg, Woodall

The bill was read the second time by sections.

Senator Woodall moved adoption of the committee amendment.

On motion of Senator Woodall, the following amendment by Senators Woodall and Twigg to the committee amendment was adopted:

On page 1, section 1, line 11 of subsection (2) of the committee amendment, following "RCW" strike "41.40.020" and insert "41.40.120"

On motion of Senator Woodall, the committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Dore, Senate Bill No. 809 was referred to the Committee on Ways and Means—Appropriations.

On motion of Senator Dore, Engrossed Senate Bill No. 737 was referred to the Committee on Ways and Means—Appropriations.

At 3:15 p.m., on motion of Senator Greive, the Senate recessed until 3:45 p.m.

#### SECOND AFTERNOON SESSION

The President called the Senate to order at 3:15 p.m.

At 3:15 p.m., the Senate retired to the House Chamber to meet in Joint Session to receive a message from the Vice President of the United States, Spiro T. Agnew.

#### JOINT SESSION

The Sergeant at Arms of the House announced the arrival of the Senate at the bar of the House.

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort the President, President Pro Tempore, and Vice President Pro Tempore of the Senate to seats on the rostrum beside the Speaker.

The Speaker instructed the Sergeants at Arms of the Senate and House to escort the Senators to seats within the House Chamber.

The Speaker turned the gavel over to the President of the Senate.

The Secretary of the Senate called the roll of the Senate and all members were present.

The Clerk of the House called the roll of the House and all members were present.

The President of the Senate, "Honored members of the legislature, ladies and gentlemen: The purpose of this joint session of the Washington State Legislature is to receive an address from His Excellency, the Vice President of the United States of America. The President, on behalf of the Senate, wishes to compliment the Speaker, members of the House, and the members of the House staff for the wonderful arrangements this afternoon and to express appreciation to you on your warm welcome and friendly hospitality. For the benefit of the many people who could not be present within the House chamber today, I should like to announce that this joint session will be shown delayed on KOMO-TV, Channel 4, this evening commencing at 9:30 p.m. Starting at 4:30 p.m., the immediate start of the activities of the special joint session, KIRO-TV, Channel 7, will present this occasion live for the benefit of those who are in the rotunda, the outer offices, and for people throughout the state."

The President of the Senate appointed the following committee to escort the Justices of the Supreme Court of the State of Washington to seats within the bar of the House: Senators Gissberg, Greive, Twigg and Atwood, and Representatives Marsh, Wojahn, Blair, Cunningham and Pardini.

The committee retired.

The Sergeant at Arms of the Senate announced the arrival of the Justices of the Supreme Court at the bar of the House, and the President invited the Justices to seats at the front of the House Chamber.

The President of the Senate appointed the following committee to escort the elected state officials to seats at the front of the House Chamber: Senators Talley, Andersen, Knoblauch and Lewis; and Representatives Mentor, Morrison, Backstrom and Rosellini.

The committee retired.

The Sergeant at Arms of the Senate announced the arrival of the elected state officials at the bar of the House, and the President invited the officials to seats at the front of the House Chamber.

The President of the Senate introduced the state officials in attendance: Secretary of State Kramer, State Treasurer O'Brien, State Auditor Graham, Commissioner of Public Lands Cole, Attorney General Gorton, Insurance Commissioner Herrmann. The President

expressed the regrets of State Superintendent of Public Instruction Bruno who was unable to be present.

The President instructed the members of the press and the broadcast media to take the positions to which they were assigned.

The President of the Senate appointed the following committee to escort Vice President Spiro T. Agnew and Governor Daniel J. Evans to seats on the rostrum: Senators Bailey, Sandison and Woodall, and Representatives Chatalas, Newhouse and Bledsoe.

For the benefit of the audience in the galleries the President of the Senate introduced the Justices of the Supreme Court: Chief Justice Hamilton, and Justices Hale, Finley, Rosellini, Hunter, Neill, McGovern, Stafford and Wright.

The Sergeant at Arms of the House announced the arrival of Vice President Agnew and Governor Evans at the bar of the House, and the President instructed the committee and Governor Evans to escort His Excellency, the Vice President of the United States to the rostrum.

The President of the Senate: "Your Excellency the Vice President, Governor Evans, Mr. Speaker, members of the Washington State Legislature, ladies and gentlemen: The purpose of this joint session of the Washington State Legislature is to receive a message from His Excellency the Vice President of the United States of America. At this time, the President should like to respectfully request of Governor Daniel J. Evans, Governor of the State of Washington, that he present the Vice President, Governor Evans."

Governor Evans: "Mr. President, Mr. Speaker, this is an auspicious day for the State of Washington and particularly for this legislative body. It is the first time in the history of our state that we have been honored in this capital by a president or a vice president, and I think it is particularly apropos that the Vice President is here today to speak with us about an issue that is of overriding importance to this nation and to those of you who have legislative responsibilities as well as those in the audience who represent local government, the mayors, the county commissioners of this state, business, labor, other leaders of the state who are gathered here to listen to the Vice President speak on revenue sharing. After the Vice President's remarks are completed, he will field questions himself from the floor during the remainder of the allotted time. If each of you who wishes to ask a question would stand, identify yourself and your position if you hold an office, and then ask the question directly of the Vice President."

"Now it is my particular pleasure to introduce to you a rare individual in national government in the history of our nation. Few people who hold high national office have had political experience, elected experience—at all three levels of government. The Vice President has, as the County Supervisor in a county surrounding Baltimore, as a colleague of mine as Governor of Maryland for two years, and of course now in his present responsibility as Vice President of the United States. I have known him personally and have worked with him. He is a man of great courage, a man who is forthright in his views and the expression of those views. We are exceedingly fortunate to have him here today, and it is with great pride that I introduce my colleague and our Vice President of the United States."

Vice President Agnew: "Thank you very much, Governor Evans, Lieutenant Governor Cherberg, Mr. Speaker, members of the Washington legislature, and the many distinguished officials from local government who are here as well as the community leaders from all walks of life who have attended this joint session of the Washington legislature because of their interest in the revenue sharing proposals of the President."

"Let me say first to the legislators here assembled that I am deeply appreciative of your restraint in not banning me from the golf courses of your great state. The incident at Palm Springs, traumatic as it was, did have some compensations, however. For example, I have been offered a job as Chief Medical Writer to Golf Magazine. Like Arnold Palmer, I have also picked up a following on the golf course. Of course in my case the following is there because no one dares to precede me. But it could be worse. I assure you gentlemen that I have no intention of taking up archery. But it's discouraging sometimes. Those of you who are probably not athletically inclined wouldn't understand the disabilities that I may have—what it is to get up on the tee and everyone else is assigned a caddy and you get a stretcher bearer. But be that as it may, my purpose here today is not to promote that great and frustrating sport, but to bring to you, what I hope will be in an instructive and informative and enlightening (rather than purely rhetorical) manner, some information about the President's revenue sharing program."

"Some of what I am going to say, many of you concerned legislators and county officials and mayors have probably heard before. Some of the material I am going to cover is fairly recent, having just been sent to the Congress yesterday. But the point that is of overriding importance to everyone of you who has an interest in the efficacy of state and local government is that unless there is a balancing of our federal resources and encouragement by the federal government to the state and local governments to assume and undertake a greater responsibility in the conduct of affairs of their constituencies, then we are eventually doomed to see elimination of state and local government that may result in the complete bureaucratic control from Washington. I don't think any of us wants to see that occur."

"In an effort to reverse this trend toward a greater centralization of power and greater

preemption of resources by the federal government in Washington, the President has presented some revenue sharing proposals. They fall into two categories. The first proposal is for general revenue sharing. And this proposal would be financed by \$5 billion of new money, that is money not presently budgeted for any federal program, which will be allocated to all general purpose units of government on a predetermined formula which would mean that a state's share would come to it by virtue of two factors. By virtue of its population that is on a purely capitation index on the one hand, made somewhat flexible by tax effort. I am glad to say that your state is one of those that maintains a higher than average tax effort so that would mean that in the state of Washington you would receive a greater distribution of money than you would had the distribution been made on a purely capitation basis. The purpose of this general revenue sharing money is to lend to state and local government the utmost flexibility for its expenditures. There is a requirement that a state must maintain its efforts towards its counties and its cities. There is no requirement on the part of local government to maintain any effort to particular programs in order to be entitled to these funds.

"Now this general revenue sharing proposal went to the Congress. We don't look for easy passage of it. There is a great amount of resistance to it in Washington. I think it is only candid for me to make that clear to you. But on the other hand there is tremendous and overwhelming support for general revenue sharing around the country, in the states, and in the localities. I just came from the Western Regional District Convention of the National Association of Counties in Hilo, Hawaii, and I can tell you that most of the local officials there are tremendously supportive of this program. Your assistance however, is urgently needed if we are to relate to the members of the Congress a desire on the part of legislators, county officials and mayors, as well as governors that these proposals be enacted.

"The general revenue sharing proposal totals five billion dollars of new money, as I said. A fixed percentage of the personal taxable base of the United States is how this amount is determined. Now that should be of interest to you because what that says is that the five billion dollars that we speak of for our first year share happens to be 1.3 percent of the personal taxable base of the United States for this year. By 1980 we estimate that, using the same formula, revenue sharing would amount in the general sense to ten billion dollars.

"The state of Washington's first year share will be ninety-two million dollars. That means that your state government share represents a 19 percent increase in federal aid to the state. The general revenue sharing funds will be disseminated with no use restrictions, other than a prohibition against their being used for purposes that are illegally discriminatory in a racial sense. The local government's share will be determined by the amount of the local tax efforts in relation to the tax efforts of the state as a whole. We have found that in the normal case this amounts to approximately 48 percent of the general revenue sharing fund being passed through to the local governments automatically, 52 percent being retained by the state.

"As far as the distribution among the elements of local government is concerned, that will be determined on a basis of their tax revenues, the amount of their total tax revenues when compared to the total local share. So that is based on a percentage of the tax raising effort of that particular local government compared to the total tax raising efforts of all local governments. Direct federal aid to the city of Seattle for example will increase more than 206 percent under this proposal, from 4.3 million dollars to 8.8 million dollars.

"I told you earlier that Washington's population is about 1.68 percent of the population of the United States, but because Washington is a high tax effort state, you would receive in revenue sharing about 1.84 percent of the revenue sharing funds.

"Now the pass-through formula that is provided in the legislation can be aborted if the state and local governments wish it to be through agreement among them, and any other formula that is acceptable to them can be substituted if a substitute formula is adopted, there is a 10 percent incentive bonus provided to stimulate that kind of mutual intergovernmental cooperation.

"Now let me move, if I may, from the--let me say just one more thing about general revenue sharing. One of the reasons for opposition to it in the beginning was a thought that large metropolitan cities, large metropolitan areas, principally big cities, would be penalized because they had such a high percentage of the poor, and that therefore their tax effort would not be as high perhaps as the peripheral metropolitan counties surrounding them. We ran tests in thirty of the principal metropolitan areas of the country and we found out that in no case did the share of a city per capita amount to less than the metropolitan county surrounding it. In every case it was more. This is because the personal income tax or the personal tax base is not the index for local effort. Local effort includes all of the other taxes that the city raises, such as sales, occupancy and use and transit taxes. And when you put these into the formula you come out with a higher capitation distribution.

"Let's move along to special revenue sharing. The details of this program are still being worked out. The separate legislation for each broad purpose is being sent to Congress as it develops. So far the President has sent messages on law enforcement, special revenue law enforcement, and special revenue sharing, one yesterday on manpower training. The total special revenue sharing funds are eleven billion dollars. I don't want to leave any impression that this is all new money, because mainly it is not. One billion dollars of the eleven billion is new money. The other ten billion is really a consolidator of existing categorical grants--not just a consolidation but a complete redrawing of the conditions of the granting, to the extent that some I guess over 150 categorical grants are now placed in six special revenue sharing areas. Elementary and secondary education is allocated three billion dollars,



urban community development, two billion, rural community development, 1.1 billion, transportation 2.6 billion manpower training, two billion law enforcement, a half billion. In addition to this there is a three hundred million dollar hold harmless amount that has been set aside so that we can assure the recipients of the categorical grants that are being changed to special revenue sharing that in no case will the government get less in special revenue sharing than it did under the categories that it replaces. This is a very important feature for cities who may be afraid that their model cities program or their urban renewal programs would serve them better than special revenue sharing. This total of eleven billion dollars in special revenue sharing will in our opinion correct a very difficult problem that has existed for state and local governments for many years. Let me just review briefly, because I think it is tremendously interesting to everyone, how the federal grant-in-aid categorical programs have escalated in a short period of time. I am not going to go into the whole history, but let me just say that in 1960 there were only 44 categorical grant-in-aid programs, at a total cost of six billion dollars. Of this six billion, five billion was allocated to highways and welfare. The rest were just a few isolated programs. From 1960 to 1970, categorical grant-in-aid programs have proliferated from 44 to over 480, and the cost has risen to some thirty billion dollars from six billion. Now what we propose to do is to take ten billion of this categorical program, roughly one-third, and convert them to special revenue sharing which some people might say are really block grants. They aren't block grants exactly because even in block grants there are some requirements that don't exist as far as special revenue sharing is concerned. For example matching requirements, requirements for maintenance of effort, and requirements for prior approval of plans have all been abolished from most of our special revenue sharing programs in order to give state and local governments better flexibility.

"I want to underscore, for those who ask why must we abolish successful categorical grants, that we are not asking that this be done. There is no reason why a state or a municipality, who is engaged in the successful operation of a categorical program that is now part of special revenue sharing, cannot continue that program. They have the utmost flexibility to do that. The only difference is that they continue it because they know it is good, and not because Washington says it is good.

"So it is your call gentlemen, under the new special revenue sharing. Of course approximately two-thirds of the categorical grants still on the books will continue. We think there are places where experimentation, innovation, or the national direction is important. We don't think all categorical grants should be abolished. The no-matching requirement is being abolished, and I think this is extremely important. As a county official and as a governor, time and time again I ran into cases where I was persuaded to reverse my priorities on the basis that Project B was eligible for federal matching money whereas Project A was not. This made Project A become Project B, even though as far as the state was concerned it was much more important to go ahead with the other project. We will eliminate that temptation for Washington to decide the areas of priorities for states and municipalities.

"Some people ask why is it necessary to have revenue sharing. Just let me review the financial plight of state and local government. Their burdens have increased and their powers waned. In the past 25 years state and local governmental expenses have increased twelve fold from seven billion dollars in 1946 to an estimated one hundred thirty billion last year and revenue sources as you gentlemen well know, have not kept pace with the demands that have been made on state and local governments. Property tax receipts are six times as great as they were a quarter century ago. States have had to institute new taxes, or raise old ones on 450 separate occasions in the last 12 years alone. Contrast this with the federal government—they have only had to resort to a major tax increase four times since 1930.

"State debt has increased over 600 percent in the past 20 years, as states have scrambled to borrow money to keep from imposing a level of taxation that the people would regard confiscatory. The federal income tax yield is now growing at a rate of ten billion dollars a year. That is without any increase in the tax rate. Growth generally runs ahead of the economy. On the other hand, the property and sales taxes that state and local governments depend so heavily upon generally lag 40 to 50 percent behind the growth in expenditures, making increases more frequent in those taxes, both of which are regressive and hard on people of limited income.

"While we have had what the President calls a fiscal mismatch between federal and state governments, we have also found the flow of power to Washington has been constantly on the rise. Local dependency for financial aid has reached the point now where the federal government calls the shots in many functions that previously were the exclusive preserve of local government. In this past quarter century, federal aid to the states has increased from one billion dollars to thirty billion and there has been a string, or at least a sliver, of bright red tape attached to every dollar that came down to you.

"As the President said in his message to the Congress, the money is spent for the things Washington wants, and the things Washington orders. We don't think that is the way it ought to be. We don't think the trend and imbalance should be preserved and we are trying to reverse some of it through revenue sharing—a return to the decision-making power to the grassroots of government. When our founding fathers conceived of this great federal system that has served us so well, it was carefully balanced between the states and the local government on the one hand and the federal government on the other. Except for brief periods in our history, principally in times of national emergency, it has remained that way. But I think you will agree that in recent years we have seen a rather alarming trend as the

central government has built up, and bypassed the state and local governments, not only bypassed them in the sense of usurping to some degree their powers and prerogatives but bypassed them to the extent of establishing, with federal money, political astrotodies of nonelected people who have a right to call the shots against the wishes of the state people who are elected in that very area to do that same function. We don't have a federal trash collection agency yet, but if we keep up this path we are on, we may well have one some day. And we are determined to reverse this trend.

"Let me take a few moments to talk about some of the alternatives that have been suddenly surfacing as revenue sharing has enlisted the popular support and as the polls have indicated the support of the people for it. You have heard many people say that a takeover of welfare would be much better. There have been very strong attempts to picture revenue sharing as a partisan program of the Nixon Administration, and this is a matter for partisan politics in the Congress and among some of the state and local officials. Now that just isn't true. Revenue sharing is a proposal that has evolved from years of hard work, by the Advisory Commission on Intergovernmental Relations, by governors and mayors conferences, county officials conferences, and among people of both parties. It has been truly a bipartisan development with an idea whose time has come. Those who would seek to make this a partisan effort seem to promote as an alternative to revenue sharing a federal takeover of welfare. The boosters of this idea claim that it would be of much more help than revenue sharing to those areas of the country that especially need assistance. Let me lay that myth to rest right here.

"First of all, nationalization of welfare is not a substitute for revenue sharing. Instead of decentralizing the rapidly growing powers of the federal government, it would add to it. While I endorse, under certain balances and restraints, greater federal participation to achieve equitable standards and to directly handle welfare areas that perhaps would be better administered by the federal government under social security, welfare reform is not and never can be a substitute for revenue sharing. It won't offer a permanent, growing source of revenue to the states and local governments, as would a fixed annual sharing of the federal income tax as proposed under the present program.

"Secondly, a federal takeover of welfare costs would benefit just a few states relatively few, at the expense of most of the others. And it would do virtually nothing for many local governments which don't carry part of the welfare load. Thirty-seven states would receive less cash benefits under welfare federalization than they would under revenue sharing. Of the few that would benefit three, New York, California and Pennsylvania would receive 51 percent of the relief. Sixty-two percent of the welfare relief would go to the ten richest states and five percent of the welfare relief would go to the ten poorest states. I don't call that a fair distribution. Only 20 percent of the welfare reform money would go to local governments, and three quarters of that 20 percent would go to the local governments in only two states out of the 50. Now to take an example locally, Washington would benefit by seventy-six million dollars in fiscal '72 if the federal government assumed all welfare costs. But its local governments would get absolutely nothing.

"Under revenue sharing, the state of Washington and its local governments would receive ninety-two million dollars. Some people may give you another figure than the seventy-six million, but I submit to you when they give you that figure they will include Medicaid in it. And we are not talking about a takeover of Medicaid, just a takeover of welfare.

"What we seek is enactment of a revenue sharing program that will strengthen state and local governments throughout the United States, and a reform of the welfare program such as the President has had before the Congress for the last two years. Continuing to fund the present welfare system, whether the federal government alone does it or whether in combination with state and local governments, will neither reform the present welfare system nor will it strengthen state and local governments.

"I believe that the existing welfare system is a financial disaster. I think it has been a tremendous failure. It needs to be reformed. The President has proposals for its reform before the Congress. We don't think they are perfect, but we know that the existing system is not doing the job. We know it because just since the President sent that message to Congress on welfare reform, we have added two million new welfare recipients to the rolls in the United States, at an additional cost of 1.5 billion dollars. Now that is a pretty unsuccessful system and it needs reform.

"One of the alternatives proposed to the administration revenue sharing plan is a bill sponsored by Senator Humphrey and Congressman Royce. This bill is similar in several respects to the administration's proposal, but in our opinion it lacks several of the vital features of the administration bill.

"First, there wouldn't be any fixed percentage of the personal tax base. The Humphrey-Royce bill would depend on Congress for an annual appropriation. In other words you would have to take your chances on what you get each year, and you wouldn't be able to budget, making any accurate forecasts. The Humphrey-Royce bill also requires the state to enact a master plan for the modernization of state and local governments in order to receive funds in the first year of the plan. Now I know, and you know, that there is a need for some reform among state and local governments and there are strong moves underway in many areas to accomplish this. But as long as Congress refuses to allow reform of the federal government, I don't think Washington is on very firm ground by exacting demands for state and local governmental reform.

"There has also been a proposal that as a serious alternative to revenue sharing we use a



tax credit route. This would mean that the federal government would allow as a deduction from the ultimate tax liability of an individual, taxes that he had paid to the state in income or whatever the case may be, property and the like. There are several things wrong with this. First of all, it won't raise the amount of money that proponents claim it will because right now those who itemize deductions have a right to take off their state taxes on their federal return, and therefore if they happen to be on a 50 percent basis they are already taking off half of them. But even more than that, there are 13 states that don't have income tax. Some of them are barred by their constitutions from having income taxes, and some other states are already taxing income up to the full amount that is allowed under their constitutions. Now here is what has to be done before you can have the tax credit route: (1) the Congress has to act to allow it, (2) the states have to enact income taxes to take the benefit of it (some of the states would even have to change their constitutions) and (3) there is no assurance that local government will get a dime of that money, so there would have to be extensive negotiations, through the state legislature and the local governments, on what kind of pass through would be permitted of the money that is saved in tax credits. Now this may take years to accomplish. The fiscal crisis is now. The revenue sharing proposal that I am speaking for is here now. It is available now and it should be passed now. I would go into it if we have a question, but I am going to pass over it because of the time limitation, payments in lieu of taxes which seem to be of tremendous interest in some parts of the West and discuss the question of states that have a high percentage of federal land.

"Before I stop, I do want to talk about the two special revenue sharing messages that have gone to Congress which I think will be of interest—the Law Enforcement Revenue Sharing Act of 1971 and the Manpower Revenue Sharing Act of 1971. The Law Enforcement Revenue Sharing Act, which is funded at five hundred million dollars, which is roughly one hundred twenty-five or one hundred thirty million over existing funding for the Safe Streets Law of 1968 and the Omnibus Crime Control Act of 1971, puts more control in state and local governments, but it does retain certain good characteristics of the Safe Streets Law which was the first really effective block grant that we enacted. Changes in Title I of the Safe Streets Act would be that special revenue sharing payments would replace the block grants, and the funds would continue to be allocated according to population. Beginning in July 1972, states would be required to pass through to local governments portions of their law enforcement expenditures. States must also allocate an adequate share to high crime areas. Again, here the matching requirement would be abolished. These funds can be used as matching money for planning and correction grants under Parts B and E of the Safe Streets Act which remain unaffected by this special revenue sharing program. So you can take your money that you get under Title A of the new 1971 law, which is really Title A money under the old Safe Streets Law, and you can get your matching money out of that to go into your correction system. The present requirement that the states present a comprehensive plan would be retained. However, LEAA would not have to give prior approval before funds are released. LEAA would review and comment. Part B of the Safe Streets Law would be strengthened to require proper fiscal and accounting control by the state. Also the states would be required to submit detailed reports on programs that they funded previously.

"The maintenance of effort would be deleted as would present requirements that states and local government within a reasonable time assume the total cost of the program. Salary limitations for people employed would be retained. Civil rights safeguards would be retained.

"The Part E grants for correctional institutions would be retained and LEAA would still be authorized to use up to 15 percent of action funds for discretionary grants such as the National Institute of Academic Assistance—statistical and technical assistance.

"So basically there is not a formidable reduction of the flexibility that was given under the Safe Streets Law, but there is to some extent an increase in it through an abrogation of matching requirements and also the removal of the maintenance of effort requirement and the abandonment of prior approval.

"The Manpower Revenue Sharing Act, the message of which went up yesterday, is a two billion dollar program. This program takes the programs that had been funded by the Manpower Act of 1962 and the Economic Opportunity Act of 1964 (they amounted together to 1.5 billion dollars) lumps them together and adds a half-billion dollars. More than a dozen categorical manpower programs, including institutional training, on the job training, the neighborhood youth corps, new careers, Operation Mainstream jobs and concentrated employment programs, are included in this special revenue sharing act.

"Now this cumbersome, categorical monstrosity that existed under those two laws that I mentioned is presently operated through nearly 10,000 direct grants in contract with public and private organizations. Each categorical program had its own lobby, its own project design, its own standards, and its own method of operation. The cost of this disjointed monstrosity has been confusion, duplication and inefficiency. Manpower Revenue Sharing divides four dollars for every three dollars currently used for this purpose. In addition, the act also contains a trigger mechanism, and this is especially important to you in the state of Washington because you have been suffering so acutely from an unemployment problem here. This trigger mechanism will make additional funds available to high unemployment areas whenever the national unemployment rate rises to 4.5 percent or more for three consecutive months. These are moneys that will be appropriated and sent into these critical areas to provide additional training on employment, including public service jobs, to help offset increases in unemployment.

"Eighty-five percent of each year's appropriation will be allocated to state and local governments. The remaining 15 percent will be administered by the Secretary of Labor for national activities. The distribution will be among state and local general governmental units of 100,000 or more persons. Smaller general governmental units are allowed to form consortia to meet the population requirements and receive direct funding in that manner. Contiguous metropolitan areas which meet the criteria of the standard metropolitan statistical requirement are able to get together and thereby receive direct assistance, even though they don't have 100,000 in population. General purpose units of government under 100,000 population will receive their assistance from the state.

"The criteria for distribution among state and local governments will take into account these factors: The proportion of the labor force in the area, the number of unemployed persons and the number of low income individuals 16 years of age or more. The Secretary of Labor will publish in the federal register the apportionment factors and the distributive shares for each unit of government prior to each fiscal year. Appropriate manpower expenditures will be considered for areas of institutional training, on-the-job training, support employment and manpower services.

"There will be a priority for the disadvantaged and those who receive public welfare payments. Payments and allowances are limited to two years in recognition of the fact that these are supposed to be temporary training programs and not provide jobs forever. The act requires publication of program objectives by units of government receiving funds and also requires interrelated governmental units to publish comments about each others' programs, which is certainly something new. It requires publication of an annual report by each unit receiving funds, the report to specify the activities that have taken place during the previous year. The Secretary of Labor retains his 15 percent of these funds for training, technical assistance, research and development, labor market information, computerized job banks and initiative programs which are not effectively managed on the local basis. He must also evaluate state and local programs, compile comparative data, and assure fiscal accountability so that the program can be properly assessed. It is important to remember that every categorical program can continue under this act, provided that states and local governments want it to continue.

"You have been very patient. I recognize that these matters that I have been discussing are to some extent technical and not tremendously thought-provoking and certainly aren't as exciting in the sense that some of the more political things that we have discussed from time to time in the course of our governmental interchanges are. Nonetheless, they are important. I am tremendously encouraged that you have given me this opportunity to present this information to you, and I deem it a privilege that I am the first Vice President who has had the privilege of addressing this joint session of the legislature. Thank you very much.

"Now ladies and gentlemen, if you have questions, and I'm sure you will have some, I will do my best to respond. I want to preface that remark by saying to you that some of these programs are not fully defined yet. They are still under discussion and the formulae are still being developed. I also may at times resort to some of the technical people I have brought with me, if your questions get beyond my cant, but with those restrictions, I will be glad to try."

Representative Stewart Bledsoe, Ellensburg: "Mr. Vice President, I am Majority Leader of this House, where I think we bid you welcome by a vote of 51 to 48.

"Kidding aside, sir, we have a House Joint Memorial memorializing Congress to enact the revenue sharing that has passed halfway through the legislative process, now in the State Senate in this body. Would its transmission to Washington, D.C., enacted by both bodies, help enforce the plea of the state for revenue sharing?"

The Vice President: "Mr. Majority Leader, I don't see how it can be of any harm. There is only one fear I have with regard to steps that may be construed to be an exhortation to some constitutional consideration of the measure so that the federal government would be required to do what it has to do by a mandate rather than the usual legislative process, and that fear would be that perhaps there may be some of the people who would normally support these programs that I have been defining who would think that this was another alternative that would be to some extent in contest with the normal legislative process. I hope that won't happen. With that one exception, I think certainly any steps that show the representation in Washington that the people of the state are fully and firmly behind revenue sharing would be of assistance to us."

Senator Joe L. Stortini, Tacoma: "Mr. Vice President, Senator Joe Stortini. We bid you welcome by a vote of 49 to 0.

"My question is in regards to the first phase of the two-part revenue sharing program. Of the five billion dollars in general revenue sharing, how does Washington's proportionate share compare with our state share of federal income tax payments?"

The Vice President: "I can't answer that right off the bat. Where is Larry? Larry Thompson perhaps has those figures. . . . You have 1.81 percent of the federal income tax base. And 1.84 percent of the revenue sharing. So you are three one hundredths better off under the revenue sharing than you would be under the percentage of the federal income tax base."

Representative Clifford W. (Red) Beck, Bremerton: "Your Excellency, Mr. Vice President. I am Representative Beck from the 23rd District, in Kitsap County—the Navy Yard in Bremerton. We have certain well-defined programs which the federal government has been assisting us in. I might cite, for example, these federally impacted funds for

education our welfare programs our highway programs. Just what is going to happen to these long-established programs if we shift over into the revenue sharing program?"

The Vice President: "You would have to get specific on those programs to see what was going to happen to them, because as I indicated about two thirds of the categorical programs would be totally unaffected by this. The general revenue sharing affects no program because that is simply new money on top of the existing assistance that the state and local levels get from the federal government. For example, there is a special revenue sharing category called transportation. Under this program, money for highways and airports or any other transportation measure would continue to come down in the same amount as previously received, or more. But it would then be up to the state or the local government to make a decision whether it was to be spent for highways or if for highways, what type of highway, whether it was for A, B, C, or for some other type of highway construction whether it was for airport planning. The only distinction in transportation will be, I believe, under present thinking, that mass transit funds may be kept separate. I am not certain of that. It hasn't been finally decided. But to respond to your question generally there is no categorical program that cannot be continued just as it is, if the state or local government involved wishes it to continue. We are not abolishing any programs that are successful. We are simply asking the state and the local government to take a look at what they have and see whether the restrictions, restraints and conditions that have been dictated from Washington are the ones they want to continue. If they want to continue it in exactly the same form, they have a right to do that. If they want to change it minutely, they have a right to do that. If they want to abandon it totally, they have a right to do that, too."

Representative A. J. Pardini, Spokane: "Mr. Vice President, Representative Pardini from Spokane. You alluded, in the early comments that you made, to difficulty in getting the President's message through Congress. And Chairman Mills of Ways and Means has expressed some opposition to this. Could you completely brief us on the thinking of Chairman Mills and the Congressmen, and what we can do to change that type of thinking to make this a reality?"

The Vice President: "The opposition that Chairman Mills has enunciated thus far goes to the idea that, possibly a takeover of the welfare system might be preferable to revenue sharing. I attempted in my remarks to indicate why I didn't think this would provide the equity that is present in the revenue sharing proposal that we had presented to the Congress. The alternatives are not fully flushed out. The alternatives are really suggestions of philosophy that have not been properly prepared to a low an adequate comparison with the administration programs. I would be very happy if those who espouse the alternatives would detail them to the degree that our proposals have been detailed so that we can continue our comparisons. We are not committed unalterably to the fact that the programs we have sent up cannot be changed for the better. But we don't want to see a long debate over a bare set of bones alternative that nobody has any ability to make a complete judgment on. I might also say it is very odd to me that some of the people who are scrambling for the alternatives have been in position to offer constructive programs for the past 15 years and haven't offered one."

Representative John L. O'Brien, Seattle: "Mr. Vice President, I am John O'Brien, State Representative. As one of the sponsors of the revenue sharing resolution that passed the House of Representatives here by an overwhelming majority I have a deep interest in this entire program. It appears to me that members of Congress have a deep feeling that legislative bodies are not responsible enough to handle this allocation of funds that might be allocated to us. Is the administration going to attempt (I suppose you are) to dispel this feeling of not being satisfied with the state legislative bodies and local units of government on the basis that members of Congress know best how to handle these funds? I know it is getting into the political arena too very much and of course we don't like to see this. I am just wondering how you are going to get the message to Congress that legislative bodies are responsible and know the needs of their respective units of government and can handle this money wisely and prudently."

The Vice President: "I think the point is important, and it is a good point. I don't feel it is as important perhaps as some may consider it to be. For a long period of time it has been fashionable in the ranks of both parties to deprecate the abilities of state legislators, county officials, mayors of small municipalities and the like. This attitude that all wisdom reposes in the national government in Washington has been proved fallacious and has increasingly proven fallacious when one looks at this tremendous hodgepodge of conflicting, overlapping, categorical programs that has led us to the point of frenzy where we are now casting about to simplify our government and return the decision-making power where it belongs. Most of the people who serve in the Congress would do well to remember and I think most of them do remember, that they started their political careers in some lesser position. Sometimes those lesser positions may have a greater impact on the well-being of their immediate constituents than what they do as a congressman. One thing is certainly clear, state government improved greatly in the last twenty years, and local government has become increasingly concerned increasingly responsive to its constituents. I think that if we get this revenue sharing proposal through it will improve further because the people when they find their local and state officials have a much greater decision making authority than they had previously will be doubly careful about who they put in these positions."

Representative Thomas L. Copeland, Walla Walla: "The Governor had invited the county commissioners and mayors in the galleries, and they are equipped with portable microphones. I wanted to call that to your attention."



Governor Evans: "Before you answer another question, Mr. Vice President, I know there are many who would love to ask questions all evening. The time is pretty close to the end, and I think maybe it is a good place to end it on the last question from a local governmental representative up there in the balcony."

Vernon Mail, Chairman of the Columbia County Commissioners: "Mr. Vice President, we appreciate the fact that you have been a former local official and we appreciated your statement concerning the fact that the federal government will not be placing a restriction on these funds. We are concerned, however, that at some future date the state agencies might be able to place restrictions on these funds and thus control local government. Are there built-in restrictions in this?"

The Vice President: "Yes, there is a requirement that the state cannot use the revenue sharing funds that it keeps for its own as a means of diminishing the assistance that it is presently rendering the local government. We would hope that would become even more responsive to the problems of local government and help even more."

"As far as I am concerned, because I have been so lengthy in my remarks (which is difficult to avoid when you are constantly adding material every time a new message goes up), I would be perfectly willing to stay another fifteen minutes so I can take some of these questions."

Governor Evans: "I would be the last one to overrule."

Senator August P. Mardesich, Everett: "Mr. Vice President, I am August Mardesich, Senator Luke all things, I suspect this is going to cost someone some money in terms of taxes. It is my information that the deficit will be somewhere between ten and possibly as much as seventeen billion dollars. May we fear that this might be solved by additional taxes on the federal level, or what alternative, if any, is in the mill?"

The Vice President: "There is no immediate proposal under consideration to increase federal taxes. The President in his economic message to this budget message, has indicated he intends to operate under what he calls a full employment budget, which is a budget that will be in balance—would be in balance, I should say if the economy were operating in full employment—full employment generally being considered a four percent rate of unemployment. This question comes to me frequently. How can you distribute money when you have a deficit? Well, the priorities of the federal government are decided in an overall sense on whether the budget is in balance or in deficit. The program defined in that budget must be on-going. I might say if I wanted to be tricky or cute that the five billion dollars we have selected for general revenue sharing, the five billion dollars of new money, comes out of the black part of the budget. Perhaps the Defense Department expenditures are in the red, but I am not going to attempt to do that. The point remains that since 1968, there has been a fantastic reversal of our priorities by the federal government. Not many people realize that the Vietnam War cost twenty four billion dollars in 1968 and the cost of our efforts to wind down that war and totally extricate ourselves from that terrible situation are now less than twelve billion dollars annually. So you see whether the budget is in balance or whether it isn't in balance, the money that is distributed to you at the state level and to those at the local level is just as spendable and just as helpful as it would be if the budget were in balance. Of course we would all aspire to a balanced budget but not to the extent of constructing our economy to the point that we are accelerating this unemployment rate even further. So the budget decision has to remain apart and separate from any individual program which is such a small part of the overall appropriation process."

Senator Fred H. Dore, Seattle: "Mr. Vice President I am Fred Dore State Senator. My question is this. As I understand revenue sharing there are no strings attached. It comes to us directly without any control. Yet as Chairman of the Appropriations Committee I find that throughout the budget your contributions to welfare, to education to cultural enrichment, all have standards and control. My question is, is it your thinking that when you ultimately shift to help the states entirely by revenue sharing, will you surrender your right to have standards and control of the money?"

The Vice President: "Not at all, because I feel very strongly that categorical programs which embody restrictive and highly controlled definitions are necessary. They are necessary in areas where the national government seeks as a national purpose to stimulate activity among the state and local governments in a particular direction. The only thing this tries to do is take one-third of those highly restrictive programs and let the control come from Washington. It is not an overall attempt to convert everything into the block grant of less restricted areas because we believe very firmly that in experimental areas, categorical grants are important to stimulate innovation and new expression so this is not our purpose. Our purpose is just to give back to the local governments and the state governments some financial ability to do their own experimentation. We don't think at all of the talent in Washington. We think perhaps that given the right to use these funds creatively some state governments and some local governments may well come up with ideas that have escaped those of us back in the nation's capitol. Ideas that may well be turned to the advantage of other states."

Representative Donn Charnley, Seattle: "Your Excellency, I am Donn Charnley, Representative from Seattle. I wish to laud one statement you made and that was with regard to the elimination of any concept of matching funds in your revenue sharing program. This concept has been used as a harassment to some of us here in this House this session in terms of trying to reassess our values and where to use our money, specifically from the highway fund where we have an increasing amount of funds being diverted and yet we are told we dare not put them there because we will lose all this federal money. I would

be very interested in any statement you might have at this time that this concept might be removed from other categorical funds from the federal government."

The Vice President: "We have no plans at the moment to affect any of the remaining categorical moneys that are not included in the special revenue sharing programs. If changes are made in these categorical programs they will be done topically by subject matter. I am not certain that in any of the cases can think of offhand that the removal of the matching requirements would be well received or advocated by a sufficient number of people. When you come down to it, the special revenue sharing moneys that we provided in this program are those which have been most desired by state government to be less restrictive and to be removed from the matching requirement, particularly in the roads area where you may run into a case where political pressures are so intense to go to a certain piece of construction to get matching money that a long standing number one priority is totally impossible to complete. I wouldn't rule out entirely the fact that at sometime in the future, Congress may look at some particular categorical program that may be considered experimental or innovative at the moment, decide that it belongs in a continuing general function of government and decide to move it into some less restricted category than presently exists. But I wouldn't want to predict in any particular what might happen in that regard."

Representative Mark Litchman, Seattle: "Mr. Vice President, I come from one of the highest unemployment districts in the state of Washington. My name is Litchman from the 45th District. We are in a recession. I would like to know what the administration's plans are relative to the SST and unemployment in the state of Washington?"

The Vice President: "Well I think you know that the administration is firmly behind the SST, I have found it personally difficult to understand how the reservations that have been expressed by those who are fearful of damage to the environment can be balanced out against a total forfeiture of the development of the SST without having sufficient real proof that harm can come. I am concerned that we will delay development of the SST, find that foreign countries are going ahead with theirs, find possibly that the ecological reservations are inaccurate, and I just can't see the people of the United States under those conditions continue to fly subsonic airplanes when the rest of the world is going supersonic. That would mean that we would be buying our airplanes from another country, which would have a deleterious effect on our balance of payments. I am hopeful that the SST program will continue to go forward, while we continue very forcefully and very stringently to make sure that it will not be an ecological disaster. The general unemployment problem in the state of Washington that you refer to is of course of tremendous concern. I am aware that you in this area suffer an abominably high rate of unemployment due to a combination of unfortunate circumstances and as you know your Governor has been to Washington to discuss this with the President. I am sure everything possible is being done to alleviate this condition. But I am not sure there is a short range answer to it. I would be less than candid if I didn't tell you I think it is a tremendously difficult problem, but one in which we will do our best to cooperate. The manpower training program I just mentioned, which allows special funds to be introduced in high unemployment areas, might be of some assistance in providing temporary public service positions until the usual economy adjusts itself. I wish I could be encouraging, but I can't be totally encouraging on this question."

Representative Litchman: "As to the vote, about the vote, do you have any idea or could you speculate as to what the situation might be in the Senate?"

The Vice President: "The last time I tried to predict a Senate vote, I got in deep trouble."

Representative Richard A. King, Everett: "Mr. Vice President I am Dick King State Representative. If the funds have no strings attached to them could states use them to replace categorical aid that might have strings attached to it? For example could a state fund the segregated school system with these funds?"

The Vice President: "No, that is specifically prohibited. Any use of these funds for any racially discriminatory purpose is outlawed under the legislation."

Senator Sam C. Guess, Spokane: "I am Sam Guess from Eastern Washington. We are particularly anxious that the generating capacity at Hanford—the N Reactor—be maintained, and we are very hopeful that you might be bringing us good news today. Do you have any information?"

The Vice President: "I wish I were bringing you good news. I was asked the question at the airport as to whether I had any information on the special reconsideration of this problem that the President has appointed a commission to look at, at the request of Governor Evans. So far as I know, that investigation is still going forward, and the determination has not been reached yet. So I'm afraid I can't give you any information on it."

Representative Bledsoe: "Mr. Vice President, you have by your candor and your direct presentation to this body increased your count. It is 48 to 0 welcome now, sir, for bringing us your very direct explanation of an idea whose time has come—revenue sharing. We are in your debt. Thank you, Mr. Vice President."

The Vice President: "Thank you, very much."

The President of the Senate: "Mr. Speaker Mr. Vice President, ladies and gentlemen, at this time the President would like to present His Excellency the Governor of the State of Washington, the Honorable Daniel J. Evans."

Governor Evans: "I think, Mr. Vice President, I speak on behalf of all of my former colleagues in the legislature and those with whom I work very closely, the mayors, the county commissioners, the citizen leaders of this state in saying to you we are very, very glad you came. We are all more knowledgeable about revenue sharing than we were before."

you started. We are even more enthusiastic than we were, and I know I can speak on behalf of all legislators in saying we will do our part—I hope you do yours back in Washington, D.C., because we sure need the money."

The President of the Senate instructed the committee consisting of Senators Bailey, Sandison and Woodall, and Representatives Chatalas, Newhouse and Bledsoe to come to the rostrum.

The President of the Senate: "Mr. Vice President, as one Senate President to another, I am sure that you, as a person of rare good humor will agree that we as Senate Presidents have certain prerogatives. With your permission, I would like to exercise one of those prerogatives at this time and present to you an autographed football in behalf of the Washington State Senate as a token of our appreciation for your friendly visit and as something that you could use in a game where you can feel free to hit someone as demonstrated by your world's champion Baltimore Colts."

The Vice President was presented with a football which had been autographed by the Washington State Senators. He threw a pass, which was caught by one of his aides on the sidelines.

The President of the Senate: "Mr. Vice President, that isn't the only pass that has been completed here this session."

The honor committee consisting of Senators Bailey, Sandison and Woodall; and Representatives Chatalas, Newhouse and Bledsoe escorted Vice President Agnew and Governor Evans from the House Chamber.

The President of the Senate instructed the committee consisting of Senators Talley, Andersen, Knoblauch and Lewis; and Representatives Mentor, Morrison, Backstrom and Rosellini to escort the elected state officials from the House Chamber.

The President of the Senate instructed the committee consisting of Senators Gissberg, Greive, Twigg and Atwood; and Representatives Marsh, Wojahn, Blair, Cunningham and Pardini to escort the Justices of the Supreme Court from the House Chamber.

The Speaker requested the Sergeants at Arms of the House and the Senate to escort the President, the President Pro Tempore and the Senators to the Senate Chamber.

### THIRD AFTERNOON SESSION

At 5:45 p.m. the President called the Senate to order.

### MOTION

At 5:50 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m. Friday, March 5, 1971.

JOHN A. CHERBERG, President of the Senate

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-FOURTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, March 5, 1971.

The Senate was called to order at 11 00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President that all Senators were present except Senator Herr. On motion of Senator Peterson (Lowell), Senator Herr was excused.

The Color Guard, consisting of Pages Ray Unlauf, Color Bearer, and Jennifer Fisher, presented the Colors. Reverend Maurice Haehlen, pastor of United Churches of Olympia, offered prayer as follows:

"Almighty God Thou Eternal Father of us all—Thou who doest make the trees to grow straight and tall and to break forth into flower and fruit—Thou who doest teach the birds how to build their nests—Thou who doest guide every living thing along its way—do Thou direct and guide our doings this day so that Thy will can be done among us—And then O God by Thy help may we become better than we are, wiser than we think and stronger than we dream and thus may our great state achieve her manifest destiny. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

March 5, 1971.

SENATE BILL NO. 66, handicapped children, education (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Bailey, Connor, Cooney, Day, Donohue, Fleming, Francis, Holman, Huntley, Metcalf, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Twigg, Washington, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.

SENATE BILL NO. 128, providing financial aid for the adoption of certain children (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 128 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Gussberg, Chairman; Dore, Vice Chairman; Andersen, Clarke, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

March 4, 1971.

SENATE BILL NO. 203, providing appeals from board against discrimination hearings by political subdivisions (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gussberg, Chairman; Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

March 1, 1971.

SENATE BILL NO. 209, providing axle loads for garbage and refuse collection trucks (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor

Durkan, Foley, Guess, Huntley Jolly, Keefe, Knoblauch, Mardesich, Murray, Peterson (Lowell), Sandison, Stender, Talley,

Passed to Committee on Rules and Joint Rules for second reading

February 22, 1971.

SENATE BILL NO. 215, providing public assistance funds to persons suffering from alcoholism (reported by Committee on Public Institutions).

MAJORITY recommendation: That Substitute Senate Bill No. 215 be substituted therefor and that the substitute bill do pass and be referred to the Committee on Ways and Means-Appropriations.

Signed by: Senators Odegaard, Chairman, Clarke, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg

### MOTION

On motion of Senator Odegaard, Senate Bill No. 215 was referred to the Committee on Ways and Means - Appropriations.

March 3, 1971.

SENATE BILL NO. 354, establishing minimum standards for law enforcement officers and fire fighters (reported by Committee on State Government).

MAJORITY recommendation: That Substitute Senate Bill No. 354 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Wagren, Chairman; Day, Gardner, Gissberg, Henry, Jolly

Passed to Committee on Rules and Joint Rules for second reading.

March 4, 1971.

SENATE BILL NO. 392, allowing intergovernmental transfers of surplus property without court order (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended

Signed by: Senators Gissberg, Chairman, Clarke, Foley, Francis, Holman, Twigg, Wagren, Woodall

Passed to Committee on Rules and Joint Rules for second reading

March 5, 1971.

SENATE BILL NO. 398, prescribing insurance or protection programs for common schools and higher education personnel, students and dependents (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution).

MAJORITY recommendation: Do pass as amended

Signed by: Senators Day, Chairman, Cooney, Elicker, Greive, Holman, Odegaard, Woodall

Passed to Committee on Rules and Joint Rules for second reading

March 5, 1971.

SENATE BILL NO. 467, blood analysis of traffic victims (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Foley, Guess, Huntley, Knoblauch, McDougall, Murray, Sandison, Scott, Talley, Wagren, Whetzel

Passed to Committee on Rules and Joint Rules for second reading.

March 5, 1971.

SENATE BILL NO. 515, clarifying property tax exemption for nursery stock (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Bailey, Canfield, Connor, Day, Donohue, Fleming, Guess, Holman, Jolly, Lewis, Metcalf, Peterson (Lowell), Ridder, Sandison, Scott, Stortini, Twigg, Washington, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 4, 1971.

SENATE BILL NO. 710, authorizing restrictions on the discharge of an employee of a fire district because of his residence outside the district limits (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass



Signed by Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Elcker, Fleming, Mardesich, McDougall, Peterson (Ted), Ridder, Talley, Walgren, Wilson  
Passed to Committee on Rules and Joint Rules for second reading.

March 5, 1971.

SENATE BILL NO. 737, Expo '74 commission (reported by Committee on Ways and Means)

MAJORITY recommendation: Do pass by the Committee on Commerce and Regulatory Agencies.

Signed by Senators Durkan, Chairman; Connor, Cooney, Day, Donohue, Fleming, Foley, Guess, Holman, Huntley, Jolly, Mardesich, Metcalf, Peterson (Lowell), Ridder, Scott, Stortini, Twigg, Washington, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 4, 1971.

SENATE BILL NO. 760, deferring payment of principal on local improvement assessments (reported by Committee on Cities, Towns and Counties)

MAJORITY recommendation: Do pass.

Signed by Senators Connor, Chairman; Stortini, Vice Chairman; Elcker, Fleming, Mardesich, McDougall, Peterson (Ted), Ridder, Talley, Walgren, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 4, 1971.

SENATE BILL NO. 769, pertaining to stadium facilities (reported by Committee on Cities, Towns and Counties)

MAJORITY recommendation: Do pass.

Signed by Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Elcker, Fleming, Mardesich, McDougall, Peterson (Ted), Talley, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 4, 1971.

SENATE BILL NO. 789, allowing recreation commission and concessionaire to mutually alter terms of concession or lease (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs)

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Henry, Jolly, Lewis, Murray, Scott.

Passed to Committee on Rules and Joint Rules for second reading.

March 4, 1971.

SENATE BILL NO. 823, removing provision that city transportation system cannot operate outside city limits in competition with private transportation systems (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Elcker, Fleming, Mardesich, McDougall, Peterson (Ted), Ridder, Talley, Walgren, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 5, 1971.

SENATE BILL NO. 861, townships, excess levies, imposition (reported by Committee on Ways and Means)

MAJORITY recommendation: Do pass.

Signed by Senators Durkan, Chairman; Bailey, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Greive, Guess, Holman, Huntley, Metcalf, Peterson (Lowell), Ridder, Sandison, Scott, Stortini, Twigg, Washington, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.

ENGROSSED HOUSE BILL NO. 50, renaming the Mayfield Lake State Park as the Ike Kinswa State Park (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs)

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Henry, Jolly, Lewis, Mardesich, Murray, Scott.

Passed to Committee on Rules and Joint Rules for second reading.

March 5, 1971.

ENGROSSED HOUSE BILL NO. 54, providing for reciprocal or proportional registration of vehicles (reported by Committee on Transportation):

MAJORITY recommendation. Do pass

Signed by Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Foley, Guess, Huntley, Jolly, Knoblauch, McDougall, Murray, Peterson (Lowell), Scott, Walgren, Whetzel

Passed to Committee on Rules and Joint Rules for second reading

March 5, 1971

ENGROSSED HOUSE BILL NO. 298, providing for tire standards (reported by Committee on Transportation):

MAJORITY recommendation. Do pass.

Signed by Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Foley, Guess, Huntley, Knoblauch, McDougall, Murray, Peterson (Lowell), Sandison, Talley, Walgren, Whetzel

Passed to Committee on Rules and Joint Rules for second reading.

### MESSAGES FROM THE HOUSE

March 5, 1971

Mr. President: The Speaker has signed

SENATE BILL NO. 311,

SENATE JOINT RESOLUTION NO. 5,

SENATE CONCURRENT RESOLUTION NO. 13,

SENATE CONCURRENT RESOLUTION NO. 18,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 4, 1971.

Mr. President: The House has passed.

ENGROSSED HOUSE BILL NO. 138,

HOUSE BILL NO. 306,

ENGROSSED HOUSE BILL NO. 378

HOUSE BILL NO. 429,

HOUSE BILL NO. 497,

ENGROSSED HOUSE BILL NO. 586

ENGROSSED HOUSE BILL NO. 734,

HOUSE JOINT RESOLUTION NO. 35,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk

### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 138, by Representatives Bauer, Wolf, Sawyer, Marsh and Laders:

Providing period to determine if benefits set-off against highway, street or road condemnation award actually inure to remaining land.

Referred to Judiciary Committee.

HOUSE BILL NO. 306, by Representatives Barden, Mentor, Litchman, Randall and Wolf (by Joint Committee on Governmental Cooperation request):

Amending the powers of the board of tax appeals.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 378, by Representatives Flanagan, Conner, Newhouse and Costanti (by departmental request):

Providing for a personal use salmon license.

Referred to Committee on Natural Resources, Fisheries and Game.

HOUSE BILL NO. 429, by Representatives Bluechel, Perry and Conway (by departmental request)

Providing for the financing of services, facilities, equipment, material, goods and supplies for government and certain other entities.

Referred to Committee on State Government.

HOUSE BILL NO 497, by Representatives Hoggins, Marsh, Cunningham, Polk, Sawyer and Bauer (by Superintendent of Public Instruction request):

Providing for rescheduled or extended school years.

Referred to Committee on Education

ENGROSSED HOUSE BILL NO 586, by Representatives Blueche, Bothiger, Haussler, Flanagan, North, Cunningham, Kopet, Eikenberry, Hoggins and Shera:

Providing for purchases by counties of open space land and development rights termed "conservation futures".

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 734, by Representatives Eikenberry, Knowles and Juhn:

Regarding duties of the personal representative and appraiser in probate

Referred to Judiciary Committee.

HOUSE JOINT RESOLUTION NO 35, by Representatives Copeland, Litchman, Bledsoe, Blueche, Backstrom, King, Shera, Smith, Curtis Brown, North, Kraabel, Morrison, Farr, Cunningham, Kiskaddon, Lynch, Pardini, Lysen, Wojahn, Ceccarelli, Mentor, Kirk, Conway, Hoggins, Harris, Bauer, Chatalas, McCormick and Smythe (by executive request):

Providing a new method for amending the Constitution

Referred to Committee on Constitution, Elections and Legislative Processes.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence within the bar of the Senate of United States Representative Brock Adams, from the Seventh District of the State of Washington, and appointed a committee consisting of Senators Dore, Durkan, Lewis and Andersen to escort Representative Adams to a place of honor upon the rostrum.

With leave of the Senate, business was suspended to permit the honored guest to address the Senate

The committee of honor escorted Representative Adams from the Senate Chamber

#### MOTION

Senator Andersen moved that the Senate Committee on Ways and Means be relieved of further consideration of House Joint Memorial No. 1.

Debate ensued.

Senator McDougall demanded a rol. call, and the demand was sustained by Senators Atwood, Durkan, Lewis, Ridder, Odegaard, Newschwander, Canfield, Clarke and Donohue.

#### ROLL CALL

The Secretary called the rol, and the motion by Senator Andersen failed by the following vote: Yeas, 18; nays, 28; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Ebucker, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Whetzel, Woodall -18

Voting nay: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Waigren, Washington, Wilson—28

Absent or not voting: Senators Guess, Twigg -2.

Excused: Senator Herr—1.

## SECOND READING

SENATE BILL NO. 108, by Senators Andersen, Odegaard and Walgren (by departmental request).

Providing changes in the sentencing of persons convicted of more than one crime.

The Senate resumed consideration of Senate Bill No. 108 and the pending amendment by Senators Durkan and Andersen.

## MOTIONS

On motion of Senator Durkan, Senate Bill No. 108 and the pending amendment was ordered held at the end of today's second reading calendar.

On motion of Senator Ridder, Senate Joint Resolution No. 22 was ordered to hold its place on the second reading calendar for Saturday, March 6, 1971.

At 12:00 noon, President Pro Tempore Henry declared the Senate to be at ease subject to the Call of the Chair.

At 12:15 p.m., President Pro Tempore Henry called the Senate to order.

## MOTIONS

On motion of Senator Grieve, Senate Bill No. 737 was ordered to precede Senate Bill No. 738 on the second reading calendar for this afternoon.

At 12:20 p.m., on motion of Senator Bailey, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

## MOTIONS

On motion of Senator McDougall, Senators Andersen and Elicker were excused.

On motion of Senator Fleming, Senator Francis was excused.

## SECOND READING

SENATE BILL NO. 737, by Senators Twigg, Day, Cooney and Keefe.

Creating a commission for Expo '74 authorizing bonds and construction.

## REPORT OF STANDING COMMITTEES

March 2, 1971

SENATE BILL NO. 737, creating a commission for Expo '74, authorizing bonds and construction (reported by Committee on Commerce and Regulatory Agencies).

MAJORITY recommendation: Do pass with the following amendments.

Strike everything after the enacting clause and insert:

**NEW SECTION** Section 1. The Alaska-Yukon-Pacific and the Century 21 Expositions held in Seattle in 1909 and 1962, respectively, contributed substantially to the growth of this state and the eminence which it enjoys by exhibiting to our sister states and the world at large our agriculture, trade, and manufacturing capabilities. In the almost ten years that have elapsed since Century 21, man's place in nature and his relation to his environment has become the most critical concern of our state and nation. Today all sectors of society question man's ability to relate himself to the environment in a manner which will continue to support life on this planet. Because of this state's unique natural endowments, the state of Washington is capable of demonstrating to the nation and the world at large that man can live in harmony with his environment. It is therefore fitting that another exposition be held in the state of Washington which will demonstrate to people everywhere our great natural resources, our great forests and rivers, and our great outdoor recreational capabilities. It is also fitting that this exposition be held in the city of Spokane, the queen city of the Inland Empire, which in 1974 will celebrate the commencement of its second hundred years of growth.

**NEW SECTION Sec. 2** A complete study, investigation, and report of the feasibility and desirability of such an exposition has been made and this report and its recommendations on participation of the state of Washington in such an exposition is hereby approved and adopted.

**NEW SECTION Sec. 3.** The exposition shall be known and called "Expo '74".

**NEW SECTION Sec. 4.** There is created the Expo '74 commission to consist of fifteen members to be selected as follows: Five by the governor, of whom one shall be designated by the governor as chairman of the commission, three by the president of the senate (lieutenant governor) and three by the speaker of the house of representatives to serve until April 30, 1975, the lieutenant governor, the speaker of the house of representatives, one member of the board of county commissioners of Spokane county to be appointed by such board, and one member of the Spokane city council to be appointed by such council. The commission shall serve without compensation and shall meet at such time as it is called by the governor or by the chairman of the commission.

**NEW SECTION Sec. 5.** The members of the exposition commission may become directors of Expo '74, a nonprofit corporation organized under the provisions of chapter 24.03 RCW and may remain directors of the corporation as long as they are members of the commission or until their successors are appointed and qualified. The exposition commission through the nonprofit corporation shall stage an exposition in the city of Spokane during the year 1974 or as soon thereafter as deemed practical by the commission and shall carry out the purposes of the exposition by suitable exhibits.

**NEW SECTION Sec. 6** The department of commerce and economic development and the department of ecology, as well as all other interested departments and agencies shall cooperate with the exposition commission to the end that the exposition to be conducted by the commission shall become a memorable success.

The exposition commission and all other state departments and agencies are further enjoined to cooperate in all respects with the city of Spokane and with other departments, agencies, political subdivisions, and municipal corporations of this state. The department of commerce and economic development and the exposition commission shall cooperate with the government of the United States and with governments or agencies of other states or foreign countries or their lesser subdivisions to the extent required to secure their participation in the exposition.

**NEW SECTION Sec. 7** This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

After "commission;" strike the balance of the title and insert: "describing its powers and duties; and declaring an emergency."

Signed by Senators Mardesch, Chairman; Andersen, Cooney, Day, Fleming, Foley, Gardner, Huntley, Keefe, Knoblauch, McDougall, Twigg

The bill was read the second time by sections.

Senator Twigg moved adoption of the committee amendment.

Debate ensued.

#### POINT OF INQUIRY

Senator Scott. "Would Senator Twigg yield? Senator, I note on the first place stage of your flyer that you have twenty-five million from other sources including federal.

"Could you detail for us as to what sort of indications that you have received that these federal sources are going to be forthcoming? Now if your forty-two million dollar mark is not met and this fair turns into a mini jewel box fair instead of being a jewel box fair like Seattle's was in 1962 and you do not get the exhibitors, then the state does not realize the kind of return that you are speaking about. Could you indicate for us exactly what assurances you have that the federal portion will be forthcoming and in what amount?"

Senator Twigg. "The seventeen million has been committed by the Secretary of Commerce's office pending the approval of this legislation. That figure of twenty-five million that is on the flyer to which you refer is inclusive of that sum of money plus approximately eight million in exhibitor participation.

"We already have a commitment from General Motors that they will exhibit very strongly at this fair. They anticipate that by that time they will have developed to near perfection the non-polluting internal combustion engine and they want to make this the showplace for that particular item. I am informed by Senators Magnuson and Jackson that the money is available pending the approval of this legislation. I am unable to answer any further than that."

Further debate ensued

Senators Keefe, Walgren and Cooney demanded the previous question and the demand was sustained

The President declared the question before the Senate to be the motion by Senator Twigg that the committee amendment be adopted.

The motion carried and the committee amendment was adopted.

Debate ensued.

## POINT OF ORDER

Senator Walgren: "I believe the Chair has ruled that the debate is cut off on this matter and we are ready to proceed."

On motion of Senator Twigg, the committee amendment to the title was adopted

On motion of Senator Twigg, the rules were suspended, Engrossed Senate Bill No. 737 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

## POINT OF INQUIRY

Senator Canfield: "Mr. President, first of all I would like to say that as a member of the Committee on Ways and Means, I received no notice of the meeting this morning but that is beside the point. I think maybe the meeting should have been held about two o'clock this morning and then maybe some of the latecomers could have come in from last night. I think we should receive notice of these meetings before actions like this are taken.

"I would like to ask Senator Twigg, since you are the prime sponsor, do you have a revenue measure that would provide us the seven and one-half million to get this off the ground? Now I know you have a corporate tax but that is a twenty year deal and what I want to know is, where are we going to find the seven and one-half million in this budget?"

Senator Twigg: "Senator Canfield, the second bill of the three, Senate Bill No. 738, provides for the imposition of a twenty-five percent surtax on all business corporation license and filing fee. The seven and one-half million will come from a general obligation bond issue. The funds generated from the increase in the corporate business filing and license fees will provide more than enough money each year to amortize that bonded indebtedness. In fact it will provide approximately fifty thousand dollars per year in excess of the amount required to amortize that bonded indebtedness. Does that answer your question?"

Senator Canfield: "Is this in a general obligation bond deal?"

Senator Twigg: "Yes."

Senator Canfield: "And it would not take then any appropriation out of the general fund?"

Senator Twigg: "Absolutely none."

## POINT OF INQUIRY

Senator McDougall: "Mr. President, will Senator Twigg yield? Senator Canfield alluded to the fact that the twenty-five percent increase in corporate tax was a twenty year venture. As I read it, there is no end to this. It is not confined to twenty years, is it?"

Senator Twigg: "That is correct. It is just like the Century 21 funding. In that case, I believe in 1957 there was a one hundred percent or exact doubling of all corporate filing and license fees, and those monies went to pay off the bond issue that funded Century 21. This will in effect do the same thing. It will extend indefinitely."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 737, and the bill passed the Senate by the following vote: Yeas, 35, nays, 10, absent or not voting, 1, excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Foley, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Murray, Odegard, Peterson (Ted), Ridder, Stender, Talley, Twigg, Washington, Wheelzel, Woodall—35.

Voting nay: Senators Clarke, Fleming, McDougall, Newschwander, Peterson (Lowell), Sandison, Scott, Stortini, Walgren, Wilson—10.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Andersen, Francis, Herr—3.

ENGROSSED SENATE BILL NO. 737, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PERSONAL PRIVILEGE

Senator Woodall. "Speaking on a point of personal privilege, I hold in my hand the Spokesman-Review of Friday. In the interest of all of you I find these words. 'Three measures aimed at obtaining state participation in Expo '74 were on the Senate calendar Thursday but action was delayed until today. When the bills came up, Democrat Senator Fred Dore, chairman of the Appropriations Subcommittee, balked at passage of the measure before it went through that committee. We want to take a look at it. As a result it was referred to Ways and Means. The chairman of that committee, Senator Martin J. Durkan, Democrat, Issaquah, called a hearing for 7:00 a.m. today. We will get it back into the Rules Committee and then on the floor today.' So apparently a member of the press was alert and did hear the announcement of Senator Durkan."

SENATE BILL NO. 738, by Senators Twigg, Day, Guess, Cooney and Keefe:  
Relating to the filing and licensing of business corporation.

## REPORT OF STANDING COMMITTEE

March 2 1971

SENATE BILL NO. 738, relating to the filing and licensing of business corporations (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendments:  
Strike everything after the enacting clause and insert.

"NEW SECTION Section 1. There is hereby imposed and levied on the license and filing fees on domestic and foreign corporations as prescribed by RCW 23A.40.040, 23A.40.060, 23A.40.130 and 23A.40.140 a surtax of twenty-five percent to be collected from those corporations at the time they pay those license and filing fees. All fees collected in compliance with this section shall be deposited in the state general fund.

NEW SECTION Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Strike the title and insert.

"An Act relating to business corporations; providing for a surtax on the license and other fees on domestic and foreign corporations as prescribed by RCW 23A.40.040, 23A.40.060, 23A.40.130 and 23A.40.140, and declaring an emergency."

Signed by: Senators Mardesich, Chairman, Andersen, Cooney, Day, Fleming, Foley, Gardner, Huntley, Keefe, Knoblauch, McDougall, Twigg.

The bill was read the second time by sections.

Senator Twigg moved adoption of the committee amendment.

## POINT OF INQUIRY

Senator Stender: "How much money is this measure supposed to raise per year, Senator Twigg?"

Senator Twigg: "I have a fiscal note on it. It raises six hundred and seventy-five thousand dollars per year, as I indicated earlier, the amount required to service the bonded indebtedness is six hundred and twenty-five thousand dollars a year, so there is a net positive fiscal impact of approximately fifty thousand dollars per year."

The motion by Senator Twigg carried and the committee amendment was adopted.

On motion of Senator Twigg, the committee amendment to the title was adopted.

On motion of Senator Twigg, the rules were suspended, Engrossed Senate Bill No. 738 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 738, and the bill passed the Senate by the following vote: Yeas, 33, nays, 11; absent or not voting, 2, excused, 3.

Voting yeas: Senators Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Durkan, Foley, Gardner, Gassberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Murray, Odegard, Peterson (Ted), Ridder, Stender, Talley, Twigg, Washington, Whetzel, Woodall—33.

Voting nays: Senators Clarke, Flicker, Fleming, McDougall, Newschwander, Peterson (Lowell), Sandison, Scott, Stortini, Walgren, Wilson—11.

Absent or not voting: Senators Dore, McCutcheon—2.

Excused. Senators Andersen, Francis. Hetz-3.

ENGROSSED SENATE BILL NO. 738 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 739, by Senator Twigg:

Pertaining to the acquisition of land and the construction and use of a state building in the city of Spokane

#### REPORT OF STANDING COMMITTEE

March 2, 1971.

SENATE BILL NO. 739, pertaining to the acquisition of land and the construction and use of a state building in the city of Spokane (reported by Committee on Commerce and Regulatory Agencies)

MAJORITY recommendation: Do pass with the following amendments.

Strike everything after the enacting clause and insert:

**NEW SECTION** Section 1. The state building authority is authorized to acquire by purchase, lease, or condemnation a site in the city of Spokane on or in the vicinity of Havermale Island and to construct or otherwise acquire or lease a building or buildings and appurtenant improvements at a cost to the building authority to approximate but not to exceed the sum of seven million five hundred thousand dollars thereon for use by the state for purposes to be prescribed hereafter by the legislature and to be used temporarily as a portion of the grounds and a building for an exposition known as "Expo '74".

The state building authority is further authorized to make all necessary plans and surveys from such acquisition and construction and any such plans shall be subject to the approval of the department of commerce and economic development and the Expo '74 commission created by the legislature. The authority may delegate responsibility for such plans and surveys to the department of general administration or the department of commerce and economic development. The provisions of RCW 43.19.450 shall govern with regard to such delegation.

**NEW SECTION** Sec. 2. In furtherance of the purposes of this act and in lieu of the acquisition of the building site by the state building authority, the department of commerce and economic development may acquire such site by purchase or condemnation.

**NEW SECTION** Sec. 3. The state building authority may contract with the department of commerce and economic development to lease land from such department acquired by such department for the purpose of erecting thereon the building or buildings as requested by such department for the purposes specified in section 1 in this act or the authority may, on land acquired by the authority, construct such building or buildings and appurtenant facilities. Such building or buildings, together with the land upon which it shall be built, shall be leased or released by the authority to the department of commerce and economic development at any time prior to or subsequent to the commencement of construction thereof for a term of years not to exceed seventy-five at reasonable rental rates.

**NEW SECTION** Sec. 4. The department of commerce and economic development is authorized to enter into a lease as provided in this act. The lease shall provide for the building or buildings erected to become or remain the sole property of the department or its assign upon termination of the lease.

**NEW SECTION** Sec. 5. The provisions of RCW 43.75.060 shall apply with respect to the fixing of rental rates for the building or buildings leased by the state building authority to the department of commerce and economic development.

**NEW SECTION** Sec. 6. Upon the completion of construction of the building or buildings, the authority shall make a determination of the cost thereof and the amount required to reimburse the authority for its expenditures in connection therewith. The department of commerce and economic development shall have the right to purchase the interest of the authority in any building or buildings and land pertaining thereto at any time and to terminate the lease thereon by paying to the authority the amount agreed upon by the authority and the department.

**NEW SECTION** Sec. 7. The department of commerce and economic development is authorized to lease or otherwise permit for a temporary period the site and building or buildings herein provided for to be used by the Expo '74 commission in conducting or assisting to be conducted such exposition.

**NEW SECTION** Sec. 8. The acquisition and development of a site and the purchase, construction, or acquisition by any lawful means of the building or buildings, equipment, and appurtenances therefor suitable for use as a site for an exposition and for the future use by the state in promoting and fostering the well-being of its citizens is declared to be a state public purpose.

**NEW SECTION** Sec. 9. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.



**NEW SECTION** Sec. 10 This act is necessary for the immediate preservation of the public peace, health and safety the support of the state government and its existing public institutions, and shall take effect immediately."

After "Spokane;" on line 2 of the title, strike the balance of the title and insert, "authorizing the construction of such building or buildings by the state building authority and the acquisition of the necessary land therefor by either the state building authority or department of commerce and economic development, providing for the lease thereof by the state building authority to the department of commerce and economic development; authorizing the sublease thereof, and declaring an emergency."

Signed by: Senators Mardesich, Chairman, Andersen, Cooney, Day, Fleming, Foley, Gardner, Huntley, Keefe, Knoblauch, McDougall, Twigg.

The bill was read the second time by sections

Senator Twigg moved adoption of the committee amendment.

On motion of Senator Mardesich, the following amendments to the committee amendment were adopted:

On page 1, section 1, line 12, after "acquire by" insert "gift,"

On page 2, section 2, line 3 of the amendment, after "site by" insert "gift."

On page 2, section 4, line 21 of the amendment, after "of the department" strike "or its assign"

The motion by Senator Twigg carried and the committee amendment, as amended, was adopted.

On motion of Senator Twigg, the committee amendment to the title was adopted.

On motion of Senator Twigg, the rules were suspended, Engrossed Senate Bill No. 739 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 739, and the bill passed the Senate by the following vote: Yeas, 35, nays, 10, absent or not voting, 1; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dora, Durkan, Elicker, Foley, Gardner, Gissberg, Greve, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Murray, Odgaard, Peterson (Ted), Ridder, Stender, Talley, Twigg, Washington, Whetzel, Woodall—35.

Voting nay: Senators Clarke, Fleming, McDougall, Newschwander, Peterson (Lowell), Sandison, Scott, Stortini, Walgren, Wilson—10.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Andersen, Francis, Herr—3.

**ENGROSSED SENATE BILL NO. 739**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act

**SENATE BILL NO. 335**, by Senator Gissberg:

Prohibiting the commercial taking of crawfish

The bill was read the second time by sections.

Senator Gissberg moved adoption of the following amendment:

In section 1, line 8, after "state" and before the period insert "except under conditions where crawfish have been cultured for commercial purposes or where otherwise permitted under department of fisheries rules or regulations"

#### MOTION

On motion of Senator McDougall, Senators Matson and Scott were excused.

#### POINT OF INQUIRY

Senator Talley: "Mr. President, would Senator Gissberg yield to a question? Senator, this will in no way interfere with the right of an individual to take crawfish for his own use?"

Senator Gissberg: "No, it does not."

Debate ensued.

The motion by Senator Gissberg carried and the amendment was adopted

On motion of Senator Gissberg, the rules were suspended, Engrossed Senate Bill No. 335 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

Debate ensued.

#### POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Gissberg yield? Senator, I missed the second hearing on this bill. Down by the Ballard bridge they do not fish them commercially, but will the fisheries people, through the cooperation of the lake owners and the stream owners, see that this resource is harvested? That it will not be wasted, and can't you perpetuate the size of the crawfish from what they are now?"

Senator Gissberg: "Hopefully that will be accomplished as a result of this bill and will precipitate the Department of Fisheries to be more actively concerned about this entire matter from a conservation view. As you know, Senator, being of the same fine extraction that I find myself to be, they are a delicacy and they are used to a great deal and fished by many Scandinavian people for their people for their personal use and we do not want to be deprived of that right, of course."

#### POINT OF INQUIRY

Senator Metcalf: "Would Senator Lowell Peterson yield to a question? The first words of the bill say 'It shall be unlawful to take or fish for crawfish for commercial purposes' and then it goes on with the amendment which we have already adopted, and it looks as though the legislative intent is to severely curtail this fishery. As chairman of the Natural Resources Committee I would like to have you make a statement for the record regarding legislative intent."

Senator Peterson (Lowell): "Senator Metcalf, I think that the title is perhaps a little misleading but with the amendment that has been placed upon it, it should clarify that position. No, it was not the intent to prohibit. It was an attempt to place it under the jurisdiction of the Department of Fisheries so they could properly regulate and promote rules and as has been mentioned previously, perhaps propagation and enhancement of the industry."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 335, and the bill passed the Senate by the following vote: Yeas, 43, absent or not voting, 1, excused, 5

Voting yeas: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wetzell, Wilson, Woodall—43

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Andersen, Francis, Herr, Matson, Scott—5.

ENGROSSED SENATE BILL NO. 335, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Woodall, Senate Bill No. 224 was returned to the Committee on Rules and Joint Rules.

SENATE BILL NO. 411, by Senators Lewis, Henry, Woodall, Newschwander, Clarke, Guess, McDougall, Matson, Metcalf, Andersen, Donohue, Jolly, Day, Walgren, Mardesich, Keefe, Herr, Knoblauch, Talley, Stortini, Peterson (Lowell), Stender, Ridder, Connor, Twigg, Canfield, Holman and Odegaard

Regulating outdoor music festivals

## REPORT OF STANDING COMMITTEE

March 2, 1971.

SENATE BILL NO. 411, regulating outdoor music festivals (reported by Committee on Commerce and Regulatory Agencies)

MAJORITY recommendation Do pass with the following amendment:

On page 1, after the enacting clause strike the remainder of the bill and insert the following

"NEW SECTION Section 1. The following words and phrases shall have the indicated meanings

(1) "Outdoor music festival" means an assembly of persons gathered primarily for outdoor, live or recorded musical entertainment, where the predicted attendance is five thousand persons or more and where the duration of the program is five hours or longer. PROVIDED That this definition shall not be applied to any regularly established permanent place of worship, stadium athletic field, arena, auditorium, coliseum, or other similar permanently established places of assembly for assemblies which do not exceed by more than two hundred fifty people the maximum seating capacity of the structure where the assembly is held. PROVIDED, FURTHER, That this definition shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed under other laws or regulations of the state.

(2) "Promoter" means any person or other legal entity issued a permit to conduct an outdoor music festival

(3) "Applicant" means the promoter who has the right of control of the conduct of an outdoor music festival who applies to the appropriate legislative authority for a license to hold an outdoor music festival

(4) "Issuing authority" means the legislative body of the local governmental unit where the site for an outdoor music festival is located

NEW SECTION. Sec. 2. No person or other legal entity shall knowingly allow, conduct, hold, maintain or permit an outdoor music festival unless a valid permit has been obtained from the issuing authority for the operation of such music festival as provided for by this act. One such permit shall be required for each outdoor music festival and such permit shall be effective for as many consecutive days as such music festival shall be in operation, or where such music festival shall not be in operation for consecutive days, such permit shall be effective only for a single day. Any person, persons, partnership, corporation, association, society, fraternal or social organization, failing to comply with the rules, regulations or conditions contained in this act shall be subject to the appropriate penalties as prescribed by this act

NEW SECTION Sec. 3 Application for an outdoor music festival permit shall be in writing and filed with the clerk of the issuing authority wherein the festival is to be held. Said application shall be filed not less than forty-five days or more than one-hundred and eighty days prior to the first scheduled day of the festival and shall be accompanied with a permit fee in the amount of two thousand five hundred dollars. Said application shall include:

(1) The name of the person or other legal entity on behalf of whom said application is made. PROVIDED, That a natural person applying for such permit shall be twenty-one years of age or older,

(2) A financial statement of the applicant,

(3) The nature of the business organization of the applicant,

(4) Names and addresses of all individuals or other entities having a ten percent or more proprietary interest in the festival;

(5) The principal place of business of applicant,

(6) A legal description of the land to be occupied, the name and address of the owner thereof, together with a document showing the consent of said owner to the issuance of a permit, if the land be owned by a person other than the applicant;

(7) The scheduled performances and program,

(8) A written confirmation from the local board of health that the following information has been provided

(a) Total attendance anticipated during the duration of the outdoor music festival

(b) Number of campers anticipated,

(c) Total daily attendance anticipated,

(d) Name and address of the solid waste contractor

(e) Number of solid waste trucks and number of persons operating them,

(f) Number of solid waste containers and their capacity,

(g) Location of solid waste containers,

(h) Disposal site for solid waste

(i) Letter of intent from those responsible for cleaning the site after the festival,

(j) Source of potable water,

(k) Alternate source of potable water,

(l) Capabilities for water storage including the number of trucks and their capacity,

(m) Layout for water system showing handwashing facilities, type of handwashing facilities and drinking facilities,

(n) Number of chemical toilets and their location,

(o) Number of concessions and their location,

(p) Source of food supplies and list of foods to be handled and food handlers cards,

- (q) Refrigeration requirements.
- (r) Provisions for food protection.
- (s) Single service plates and utensils.
- (t) Provisions for dust control.
- (9) A written confirmation from the local board of health that the water system has been inspected and approved as to the following:
  - (a) Source and quantity;
  - (b) Minimum pressure of ten pounds per square inch;
  - (c) Distribution system;
  - (d) The quantity is sufficient to supply at least six gallons per day per camper, one gallon per day per user, one hundred gallons per day per food booth, and four hundred gallons per day for medical area;
  - (e) The location of water sources for:
    - (i) The camp area—which requires one outlet for each two hundred persons within a three hundred foot radius of any camp.
    - (ii) The food concession area—which requires one outlet for each concession booth.
    - (iii) The audience area which requires one outlet for each two hundred persons within a three hundred foot radius of the area.
    - (iv) The medical area—which requires one or more as deemed necessary by medical staff.
  - (v) The office area—which requires one or more outlets.
  - (f) All water must be chlorinated to .5 ppm.
- (10) A written confirmation from the local board of health that provisions for waste disposal have met the following requirements:
  - (a) Six toilets for the first five hundred persons of anticipated attendance and two toilets for each additional five hundred persons thereafter,
  - (b) Toilet locations provided in the following areas:
    - (i) Camping area
    - (ii) Audience area
    - (iii) Food concession area
    - (iv) Parking area
    - (v) Medical area
    - (vi) Administrative area
  - (c) One toilet to be provided for every twenty food handlers.
  - (d) Provisions for waste water to be disposed of in an adequate dry well or drain field.
  - (e) Provision for all solid waste to be collected and disposed of in an approved manner, with an adequate number of containers based on the following calculation: .4 cubic feet of solid waste generated by each person per day.
- (11) A written confirmation from the local board of health that the following requirements for food concessions have been complied with:
  - (a) All food concession buildings must be closed on three sides with floors, walls and ceilings built from approved materials.
  - (b) Service counters must be provided.
  - (c) All concession booths shall be located in one central area.
  - (d) Food preparation areas and service areas must be restricted from public use.
  - (e) All foods must be purchased from an approved source.
  - (f) All potentially hazardous foods must be prepared and kept at below 45 degrees F. or above 140 degrees F.
  - (g) All food workers will have current food handlers cards.
  - (h) Handwashing facilities and paper towels shall be provided.
  - (i) Single service articles must be used.
  - (j) Washing and sanitizing facilities for utensils shall be provided.
  - (k) Festival promoters must have complete list of concessionaires and their proposed menu three days prior to the opening of the outdoor music festival.
  - (l) Each food concession booth shall be equipped with an approved waste receptacle the capacity of which is based on a calculation of 1 1/4 cubic yards of waste generated per establishment per day.
- (12) A written confirmation to provide local board of health personnel with passes so that inspections of the site can be made.
- (13) A written confirmation from the appropriate law enforcement agency from the area where the outdoor music festival is to take place, showing that adequate traffic control and crowd protection plans have been contracted for or otherwise provided by the applicant meeting the following conditions:
  - (a) One person for each two hundred persons reasonably expected to be in attendance at any time during the event for purposes of traffic and crowd control.
  - (b) The names and addresses of all traffic and crowd control personnel shall be provided to the appropriate law enforcement authority together with their fingerprints: PROVIDED, That not less than twenty percent of the traffic and crowd control personnel shall be commissioned police officers or deputy sheriffs.
  - (c) During the hours that the festival site shall be open to the public there shall be at least one uniformed police officer for every one thousand persons in attendance and said uniformed officer shall be on duty within the confines of the actual outdoor music festival site. The uniformed officers referred to by this subsection shall be counted as part of the twenty-five percent quota referred to in subsection (b) of subsection (13).

(d) All law enforcement personnel shall be charged with enforcing the provisions of this act and all existing statutes, ordinances and regulations.

(14) A written confirmation from the local engineering department that sufficient access roads are available for ingress and egress to the outdoor music festival site and that parking areas are available which are capable of accommodating one auto for every four persons in estimated attendance at the outdoor music festival site.

(15) A written confirmation from the local engineering department that provisions have been made to install lighting pursuant to the following conditions:

Ten days prior to the first scheduled day of any music festival to be conducted during non-daylight hours there shall be installed upon the premises, for which application has been made, light poles, one end of which shall be firmly set not less than five feet into the ground and shall not measure not less than six inches in diameter at the base and not less than four inches in diameter at the top. There shall be one such pole for every forty-thousand square feet of such premises, excluding any area upon which any building or structure is situated, and no such pole shall be located at a distance of more than two hundred feet from any other such pole. There shall be affixed to each such pole, at a height above the ground of not less than twenty feet or more than thirty feet, an electric light or lights having a rating of not less than one hundred and fifty watt incandescent or seventy-five watt high intensity discharge, and such lights shall be of an intensity to provide a minimum intensity of 0.1 foot candles in all areas of the premises exclusive of any area upon which any building or structure is situated. PROVIDED, That the requirement for the number of poles and lights and light rating may be waived except in the areas approved for parking, and a permit shall be granted if the premises are lighted so as to provide a minimum light intensity of 0.1 foot candles in all areas of the premises to which the above requirements apply. Such lights required by this subsection shall be in operation each day a music festival is in operation from one hour after sunset until two a.m. of the following day. All buildings, hall rooms, pavilions, or other places situated upon the premises shall at all times, while such music festival is open to the public, be well lighted.

(16) A written confirmation from the department of natural resources and the office of the state fire marshal that all fire prevention requirements have been complied with.

(17) A written statement of the applicant that all state and local law enforcement officers, fire control officers and other necessary governmental personnel shall have free access to the site of the outdoor music festival.

(18) A statement that the applicant will abide by the provisions of this act.

(19) The verification of the applicant warranting the truth of the matters set forth in the application, under the penalty of perjury.

**NEW SECTION Sec 4.** Within ten days after the filing of the application the issuing authority shall transmit a letter of intention to either approve or deny the permit to the applicant. Any notice of any denial shall set forth the grounds therefore. If within ten days after the receipt of the denial, the applicant shall have failed to correct the deficiencies set forth, such denial shall be final.

The permit shall be issued by the issuing authority if the application is approved by such authority at least seven days prior to the first day of operation of any such music festival. No permit shall be issued later than seven days prior to the first day of operation of any such music festival.

**NEW SECTION Sec 5.** After the application has been approved the promoter shall deposit with the issuing authority, a cash deposit or surety bond in the amount set forth in this section, and providing that any person injured or damaged by the negligent operation of the outdoor music festival shall have a direct action against the bond or the deposit. The bond or deposit shall be used to pay all losses or damage to any property, public or private, within the festival grounds or outside of the festival grounds, caused by the promoter or anyone under his control. The bond or deposit shall be used to pay any extraordinary costs or charges incurred to regulate traffic, parking, security, health or any other costs incurred in connection with the operation of the festival or the clean-up afterwards outside the festival grounds. The amount of the deposit or bond shall be based on the predicted attendance as follows:

0 to 10,000 persons	\$100,000.00
10,000 to 20,000 persons	110,000.00
20,000 to 30,000 persons	120,000.00
Each additional 10,000 persons over 30,000	5,000.00
over 30,000	5,000.00

The bond or other deposit shall be returned to the promoter when the issuing authority is satisfied that no claims for damage or loss will be made against said bond or deposit, or that the loss or damage claimed is less than the amount of the deposit, in which case the uncommitted balance thereof shall be returned.

In addition, the promoter shall be required to furnish evidence that he has in full force and effect a liability insurance policy in an amount of not less than one hundred thousand dollars bodily injury coverage per person. The policy shall name the issuing authority of the permit as an additional named insured.

In addition, the promoter shall be required to furnish evidence that he has in full force and effect a one hundred thousand dollar liability property damage insurance policy covering any property damaged due to negligent failure by any officer or employee of the festival to carry out duties imposed by this act. The policy shall have the issuing authority of the permit as an additional named insured.

**NEW SECTION** Sec. 6. Performances of an outdoor music festival for which a permit has been granted shall not be scheduled or permitted between the hours of midnight and ten o'clock in the morning and in no event shall any performance be conducted or permitted after one o'clock in the morning.

**NEW SECTION** Sec. 7. Revocation of any permit granted pursuant to this act shall not preclude the imposition of penalties as provided for in this act and the laws of the state of Washington. Any permit granted pursuant to the provisions of this act to conduct a music festival shall be summarily revoked by the issuing authority when it finds that by reason of emergency the public peace, health, safety, morals or welfare can only be preserved and protected by such revocation. Any permit granted pursuant to the provisions of this act to conduct a music festival may otherwise be revoked for any violation of this act or the laws of the state of Washington after a hearing held upon not less than three days notice served upon the promoter personally or by certified mail. The action of the appropriate authority in revoking any permit shall be final and conclusive.

Every permit issued under the provisions of this act shall state that such permit is issued as a measure to protect and preserve the public peace, health, safety, morals and welfare, and that the right of the appropriate authority to revoke such permit is a consideration of its issuance.

**NEW SECTION** Sec. 8. No person, persons, partnership, corporation, association, society, fraternal or social organization to whom a music festival permit has been granted shall, during the time an outdoor music festival is in operation, knowingly permit or allow any person to bring upon the premises of said music festival, any intoxicating liquor, narcotic or dangerous drug as defined by chapters 69.33 or 69.40 RCW, or knowingly permit or allow narcotic or dangerous drug to be consumed on the premises, and no person shall take or carry onto said premises any narcotic or dangerous drug.

**NEW SECTION** Sec. 9. No music festival shall be operated in a location which is closer than one thousand yards from any schoolhouse or church, or five hundred yards from any house, residence or other human habitation unless waived by occupants.

**NEW SECTION** Sec. 10. No person under the age of eighteen years shall be admitted to any outdoor music festival without the escort of his or her parents or legal guardian and proof of age shall be provided upon request.

**NEW SECTION** Sec. 11. Any permit granted pursuant to this act shall be posted in a conspicuous place on the site of the outdoor music festival and such permit shall be transferable or assignable without the consent of the issuing authority.

**NEW SECTION** Sec. 12. Any person who shall violate any provision of this act or who shall, having obtained a permit pursuant to this act, wilfully fail to comply with the rules, regulations and conditions set forth in this act or who shall aid or abet such a violation or failure to comply, shall be deemed guilty of a gross misdemeanor.

**NEW SECTION** Sec. 13. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION** Sec. 14. Sections 1 through 13 of this act shall be added to Title 70 RCW.

**NEW SECTION** Sec. 15. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Fleming, Foley, Huntley, Keefe, Knoblauch, McDougall, Twigg, Whetzel.

The bill was read the second time by sections.

Senator Lewis moved adoption of the committee amendment.

On motion of Senator Gardner, the following amendment to the committee amendment was adopted.

On page 3, section 3, beginning on line 2, after "(8)" strike all of the material down to and including "per day" on page 5, line 28, and insert "Written confirmation from the local health officer that he has reviewed and approved plans for site and development in accordance with (1) rules, regulations and standards adopted by the state board of health and (2) such additional requirements as may be imposed by the local health officer. Such rules and regulations shall include criteria as to the following and such other matters as the state board of health deems necessary to protect the public's health

- (a) Submission of plans
- (b) Site
- (c) Water supply
- (d) Sewage disposal
- (e) Food preparation facilities
- (f) Toilet facilities
- (g) Solid waste
- (h) Insect and rodent control
- (i) Shelter
- (j) Dust control
- (k) Lighting

All facilities shall be installed and approved prior to final confirmation of the licenses required."

Renumber the remaining subsections consecutively

Senator Gardner moved adoption of the following amendment to the committee amendment

On page 6, section 3, subsection (c), line 12, after "least one" and before "police" strike "uniformed", and on line 13, after "and said" and before "officer" strike "uniformed", and on line 15, after "The" and before "officers" strike "uniformed", and on line 16, after "twenty" and before "percent" strike "five"

Debate ensued

#### POINT OF INQUIRY

Senator Day "Mr President, would Senator Gardner yield? Senator as I understand this amendment, there are two parts to it. The first part merely strikes 'uniform' from the language so that they would be more effective as police personnel. Would you explain what the percentage change means please?"

Senator Gardner "I apologize for not referring to the percentage change. In subsection (b) of page 6, line 9, it states 'twenty percent' which was a committee amendment. In order to bring the twenty-five percent on line 16 in conformity with the 'twenty', it is necessary to change that from twenty-five to twenty percent. This was an amendment which was passed by the committee and mistyped in the redraft."

Senator Day "In other words, that is merely corrective and that would not necessarily reduce the ratio of police to the number of people."

Senator Gardner "Not at all. In this situation, and if I may comment, it provides at least one law enforcement officer per one thousand people at all times. So it is not a matter of shift. At all times that the festival is in session there must be that ratio, by this amendment that we are discussing at this moment."

"My next amendment speaks again to your question but in this instance I am simply removing the word 'uniform' and by putting 'twenty' instead of 'twenty-five' doing what was already done by committee amendment and bring the bill into line."

#### POINT OF INQUIRY

Senator Wilson: "Would Senator Gardner yield? Senator, is it not the intent and wording of your amendment to say, in effect, that the local authorities may use uniformed officers or un-uniformed officers or any combination thereof that they feel would be most appropriate to the occasion?"

Senator Gardner "That is the intent of my amendment. My feeling on this matter is simply that we do have local law enforcement officers. They are better trained in the matter of enforcement than we are. I feel that by specifically putting the word 'uniform' in the bill, we are in essence telling them how to best do their job. I do not imply, I mean to repeat and emphasize that if the local law enforcement people want to handle it by putting uniformed policemen on site, I think that is exactly what they should do. I just would like them to have the option to do their job in the manner in which they see fit."

Senator Metcalf demanded a roll call and the demand was sustained by Senators Washington, Bailey, Greive, Canfield Durkan, Foley, Peterson (Lowell), Connor and Odegard.

#### ROLL CALL

The Secretary called the roll, and the amendment to the committee amendment was adopted by the following vote. Yeas, 25, nays, 18, absent or not voting, 1, excused, 5

Voting yea: Senators Bailey, Day, Donchue, Dore, Durkan, Elbcker, Fleming, Foley, Gardner, Gissberg, Greive, Holman, Jolly, Keefe, McDougall, Mardesich, Murray, Peterson (Lowell), Ridder, Sandison, Stortini, Walgren, Washington, Whetzel, Wilson. 25

Voting nay: Senators Atwood, Canfield, Clarke, Connor, Cooney, Guess, Henry, Huntley, Knoblauch, Lewis, Metcalf, Newschwander, Odegard, Peterson (Ted), Stender, Talley, Twigg, Woodall—18

Absent or not voting: Senator McCutcheon—1

Excused: Senators Andersen, Francis, Herr, Matson, Scott—5.

The motion by Senator Gardner carried and the amendment to the committee amendment was adopted

On motion of Senator Gardner, the following amendments to the committee amendment were adopted:

On page 6, section 3, subsection (c), line 15, after "festival site" and before the period insert " : PROVIDED That the local enforcement authority may authorize a lesser number of police officers to be in attendance at the festival site at such times or in such numbers as he deems necessary in keeping with the provisions of this act"

On page 8, section 5, line 25, after "parking," strike "security," and insert "or" and after "health" strike the remainder of line 25 and line 26 down to and including "festival"

On page 9, section 6, line 20, before "between" strike "or permitted"

Senator Gardner moved adoption of the following amendment to the committee amendment:

On page 6, subsection (12), line 26, strike all of subsection (12) and renumber the remaining subsections consecutively.

Debate ensued.

#### POINT OF INQUIRY

Senator Elicker: "Would Senator Lewis yield to a question? Senator, in section 5 where it says the bond or deposit shall be used to pay any extraordinary costs or charges incurred to regulate traffic, parking or security, health, or the cleanup afterwards outside the festival grounds. I assume that you mean by public authority, this would be the highway department, the sheriff's department, the health department, this type of thing?"

Senator Lewis: "That is correct."

Senator Elicker: "Now what would be your understanding as to how long the county commissioners would hold this bond?"

Senator Lewis: "That would be a reasonable length of time and it is the clear intent of the bill that it would be a reasonable length of time for reasonable assessment of damages, probably ninety days."

Senator Elicker: "Then it would be your understanding that it would be the obligation of the various people involved to help the highway department? They would have to submit an itemized bill that it cost so much to clean up the highway or so much to run in temporary water lines or whatever it might be?"

Senator Lewis: "That is correct, and the billing would have to be an accurate one which was backed by facts and this would apply to public bodies appealing to the legislative body for reimbursement as well as private citizenry as indicated in the bill."

The motion by Senator Gardner carried and the amendment to the committee amendment was adopted.

The motion by Senator Lewis carried and the committee amendment, as amended, was adopted.

On motion of Senator Lewis, the rules were suspended. Engrossed Senate Bill No. 411 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 411, and the bill passed the Senate by the following vote. Yeas, 42; nays, 1; absent or not voting, 2; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Gravel, Guess, Henry, Herr, Homan, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowe), Peterson (Ted), Ridder, Sandison, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Voting nay: Senator Lewis—1.

Absent or not voting: Senators McCutcheon, Stender—2.

Excused: Senators Andersen, Francis, Matson, Scott—4.

ENGROSSED SENATE BILL NO. 411, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SENATE BILL NO. 522, by Senators Keefe, Day and Fleming:

Providing for transfer of certain funds to the Washington public employees' retirement system.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 522 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.



## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 522, and the bill passed the Senate by the following vote: Yeas, 44, absent or not voting, 1; excused, 4.

Voting yeas. Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gussberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesch, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rüdger, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wheelzel, Wilson, Woodall—44.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Andersen, Francis, Matson, Scott—4.

SENATE BILL NO. 522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 146, by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution:

Enacting the Uniform Controlled Substance Act

## MOTION

On motion of Senator Holman, Second Substitute Senate Bill No. 146 was substituted for Substitute Senate Bill No. 146, and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Holman, the following amendment was adopted:

On page 6, line 25, strike "department" and insert "board."

Senator Day moved adoption of the following amendment:

On page 17, after (5) of section 89.50.212 add a new paragraph to read as follows:

"Notwithstanding any other provision of this act any codeine cough preparation or syrup shall be sold by prescription only."

## POINT OF INQUIRY

Senator Bailey: "Mr. President, a question of Senator Day. Senator, this means then that a person that has a cough and is willing to sign for a bottle of cough syrup with codeine and probably buy it for a dollar and a half will now have to go to a doctor and get a six dollar office call and then about a ten dollar prescription from the same druggist that sold it to him for a dollar and a half. Is that not right?"

Senator Day: "In answer to your question, you could say that is true about everything on here that is a controlled substance that is used as a medical preparation."

"The only thing this will do is to stop abuse and make the person who, if he has a family physician, phone his family physician and then this prescription can be given him. But it is the only way I know to legitimize this thing and stop the abuse of it. If there is another method, I would be glad to have this amended to do that."

The motion by Senator Day carried and the amendment was adopted.

Senator Day moved adoption of the following amendment:

On page 23, on line 21, after "of a" and before the period strike "misdemeanor" and insert "crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (d) of this section."

Debate ensued

## POINT OF INQUIRY

Senator Atwood: "Mr. President, would Senator Holman yield? I assume from what you just said that this law as it is presently written or some law very similar to it, has been enacted by the federal Congress. Is that correct?"

Senator Holman: "That is correct."

Senator Atwood: "And in this act, possession under the federal act is only a misdemeanor?"

Senator Holman: "Mere possession without intent to sell is a misdemeanor."

Senator Atwood: "Then in case we change this to make possession a felony, then if one is arrested by a federal agent and arrested by a Seattle policeman, can he be charged with a misdemeanor in the federal court and the other one is going to be charged with a felony in our superior court?"

Senator Holman: "That is the anomalous situation. But that is the way it works out."

Further debate ensued

The motion by Senator Day carried and the amendment was adopted

On motion of Senator Day, the following amendment was adopted

On page 23, following subsection (c) of section 69 50 401 add a new subsection to read as follows.

"(d) Except as provided for in subsection (a) (1) (u) of this section any person found guilty of possession of forty grams or less of marijuana shall be guilty of a misdemeanor "

Senator Durkan moved adoption of the following amendment by Senators Durkan and Andersen

On page 22, section 69 50 401, after subsection (iv) on line 31, and before subsection (b) on line 32 add a new subsection (v) to read as follows.

"(v) no court shall suspend or defer any sentence imposed pursuant to subsections (a)(1)(i), (a)(1)(ii), (a)(1)(iii), or (a)(1)(iv) of this section."

#### POINT OF INQUIRY

Senator Woodall: "Would Senator Durkan yield? Senator, I did not listen to the whole import of your amendment. There was only one thought I had the last time and that was the situation where you had it so mandatory. There was a case in Nevada where a young college boy, a college kid with no element of profit involved, happened to sell one to another kid. He got a mandatory five year spot. The fellow is wrecked for life with no redemption. Now to me there is a big difference between the scum of society who profits off of it and two kids who happen to sell one to the other for a momentary lark with no thought of profit involved. Now is there any differential in your present amendment?"

Senator Durkan: "Senator, let me ask it this way. You are more experienced in criminal law than I am but I called a superior court judge who had had this problem about four months ago in our county, and asked him about it. I said some of the Senators, along with myself, were concerned about the fact that in the event that someone was charged with selling and it was on a school ground where a school youngster exchanged with another school youngster, may be for a quarter or something like that, was there a possibility of him being convicted of selling.

"The answer was yes, but he could foresee no judge that he knew that would hold them guilty of selling. The lesser crimes are possession and use, within the crime of selling. He said that ninety-nine or one hundred percent of the time this is what would happen.

"We talked about drafting and redrafting but we ended up with the same language all the time and my best judgment is that within this broad area, if they are convicted of selling, then it is the mandatory sentence. But within the area of conviction of selling, the judge can go to the lesser penalty of possession and/or use. This is what he told me and I read it to him and I thought it met their approval and this is the way the amendment is today."

The motion by Senator Durkan carried and the amendment was adopted

Senator Durkan moved adoption of the following amendment by Senators Durkan and Andersen

On page 23, section 69 50 401, after subsection (iv) on line 15, and before subsection (c) on line 16 add a new subsection (v) to read as follows:

"(v) no court shall suspend or defer any sentence imposed pursuant to subsections (b)(1)(i), (b)(1)(ii), (b)(1)(iii), or (b)(1)(iv) of this section."

#### POINT OF INQUIRY

Senator Woodall: "Would Senator Holman yield? Senator, do these particular amendments which are now being written in go beyond the so-called uniform act then?"

Senator Holman: "They are not in the uniform act, that is true, but it specifically provides that each state may, as I explained earlier, have control over their own penalties and the statement as to crimes, I see nothing wrong with this from a uniformity standpoint."

Senator Woodall: "Do you have an opinion on the question I have just posed to Senator Durkan, namely, if two college kids want to try some of these substances as a lark, there is no element of profit involved but one of them happened to be the one who got it and sold it to the other one at no profit, do you feel there should be no differential in the law between them and the scummy character that makes his living day in and day out selling for profit?"

Senator Holman: "Senator Woodall, yes, I certainly do and I agree with what Senator Durkan said. There is another section in this bill which I wanted to explain on final passage which is extremely innovative and important but I think it is a good time to bring it up now."

"Let us assume that the two college students have passed it back and forth. Now the uniform law commissioners have come up with this solution and you will find this on the bottom of page 25, section 69 50 407 conditional discharge for possession as first offense. In this case the two boys would be charged undoubtedly with possession. This provides in here that if you are charged and it is your first offense, the court can hear the evidence and

instead of finding you guilty, simply put on some kind of a deferral, a probation, and if you obey the terms of this, your record is completely expunged and it is just as though you had never been picked up at all. This was thought to be a very good solution for the very problem about which you are speaking. I would have mentioned it earlier but this section did not have to be amended and I was going to mention it later but that is the situation under 407."

#### POINT OF INQUIRY

Senator Metcalf: "Mr. President, not being a lawyer, I would just like to ask Senator Holman to yield to another question. I do not understand these things but did you just say that there is provision on the first offense for the record to be expunged and just as though no offense was committed at all?"

Senator Holman: "That is correct."

Senator Metcalf: "Then, what if he gets picked up again? Is he starting over?"

Senator Holman: "I think that there would be some record of his having had it expunged and therefore any more pickups he would be charged."

On motion of Senator Durkan, the following amendment by Senators Durkan and Andersen was adopted:

On page 24, section 69.50.402, on line 9 after "or both" and before the period insert ". PROVIDED, That no court shall suspend or defer the sentence of any person sentenced pursuant to this section"

On motion of Senator Holman, the rules were suspended, Engrossed Second Substitute Senate Bill No. 146 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Atwood: "Would Senator Holman yield? Senator, now that the bill carries the amendments by Senators Durkan and Andersen, would that new section 69.50.407 take precedence or would still have effect regardless of what those amendments do?"

Senator Holman: "Yes, it would."

Senator Atwood: "In your opinion, you are quite sure that it would?"

Senator Holman: "We carefully worked on the amendments by Senators Durkan and Andersen to make sure it did."

Senator Atwood: "Okay, I wanted to get it in the record that it was your intent to do so."

Senator Holman: "By all means, I think that is very important."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 146, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elucker, Foley, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Voting nay: Senators Fleming, Gussberg—2.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Andersen, Francis, Matson, Scott—4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:20 p.m., on motion of Senator Greive, the Senate adjourned until 11:30 a.m., Saturday, March 6, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate

## FIFTY-FIFTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Saturday, March 6, 1971

The Senate was called to order at 11:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Dore, Durkan, Greive, Matson, Metcalf, Peterson (Ted) and Sandison. On motion of Senator McDougall, Senators Matson, Metcalf and Peterson (Ted) were excused. On motion of Senator Bailey, Senators Durkan, Dore and Greive were excused.

The Color Guard, consisting of Pages Shelby Scott, Color Bearer, and Lyn Dasso, presented the Colors. Reverend Maurice L. Hashlen, pastor of United Churches of Olympia offered prayer as follows:

"O, God, Thou Eternal Father of us all, we thank Thee for this another day in which to serve Thee through serving our fellow men through this legislative body. Give to us a freshness of spirit that will renew our faith and clarify our vision of Thy good purposes for mankind."

"May Thy spirit in our lives create new confidence between all within whom we work so that all might be able to differ without being difficult and frank without being offensive. Give to us the divine fortitude to make the difficult decisions that we must soon put behind us. Start us in the right way because Thou dost know how hard we are to turn around once we start in a path. So make us worthy to be called Thy children. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

March 5, 1971

SENATE BILL NO. 182, authorizing the use of physicians' assistants (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution).

MAJORITY recommendation. Do pass as amended.

Signed by: Senators Day, Chairman; Cooney, Elcker, Francis, Keefe, Newschwander, Odegard.

Passed to Committee on Rules and Joint Rules for second reading.

March 5, 1971

SENATE BILL NO. 188, establishing physician's trained mobile intensive care paramedics (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution).

MAJORITY recommendation. Do pass as amended.

Signed by: Senators Day, Chairman; Cooney, Elcker, Francis, Greive, Keefe, Newschwander, Odegard.

Passed to Committee on Rules and Joint Rules for second reading.

March 3, 1971.

SENATE BILL NO. 677, authorizing the deposit of trust moneys in public depositories (reported by Committee on Commerce and Regulatory Agencies).

MAJORITY recommendation. Do pass.

Signed by: Senators Mardesch, Chairman; Andersen, Clarke, Day, Foley, Gardner, Ginsberg, Keefe, Knoblauch, McDougall, Peterson (Lowell), Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

March 5, 1971.

HOUSE BILL NO. 10, recognizing certain items as evidence of educational competence for public employment (reported by Committee on Education).

MAJORITY recommendation. Do pass.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Murray, Newschwander, Odegaard, Ridder, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

March 5, 1971.

ENGROSSED HOUSE BILL NO 75, authorizing school districts to permit emergency use by other governmental agencies of their school buses and equipment (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Murray, Newschwander, Odegaard, Ridder, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

March 6, 1971.

HOUSE BILL NO 434, authorizing deductions for certain state procured insurance from teachers' retirement allowances (reported by Committee on Public Pensions and Social Security):

Recommendation: Do pass

Signed by: Senators Fleming, Chairman; Clarke, Day, Herr, Holman, Murray, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

March 5, 1971.

ENGROSSED HOUSE BILL NO 445, providing statewide system of public instructional television (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Murray, Odegaard, Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

#### LETTER OF INFORMATION

March 4, 1971.

THE HONORABLE JOHN CHERBERG,  
PRESIDENT OF THE SENATE,  
LEGISLATIVE BUILDING  
OLYMPIA, WASHINGTON.

DEAR SIR:

The following bills have been passed out of the Revenue and Taxation Committee into the full Committee on Ways and Means:

SENATE BILL NO 420: County Equalization Board reconvening.

SENATE BILL NO 493: Fire Protection District, excess levies.

SENATE BILL NO 579: Expenditure Reductions, certain agencies.

SENATE BILL NO 851: Townships, excess levies, imposition.

Sincerely,

HUBERT F. DONOHUE

Chairman, Revenue and Taxation Committee.

#### MESSAGE FROM THE HOUSE

March 5, 1971.

Mr. President, The House has passed ENGROSSED HOUSE BILL NO 726, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO 726, by Representatives Brown, Morrison and Smythe.

Enacting congressional redistricting and reapportionment.

#### MOTION

On motion of Senator Bailey, Senate Joint Resolution No 22 was ordered held until 2 00 p.m. today.

## SECOND READING

HOUSE BILL NO 55, by Representatives Berentson, Conner and Hubbard (by departmental request):

Exempting denial, suspension, or revocation of a driver's license from the administrative procedure act

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, House Bill No. 55 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

Debate ensued

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No 55, and the bill passed the Senate by the following vote: Yeas, 38, nays, 3, absent or not voting, 2, excused, 6.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elcker, Foley, Francis, Gardner, Gissberg, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall 38.

Voting nay: Senators Atwood, Fleming, Lewis—3.

Absent or not voting: Senators Herr, Murray—2.

Excused: Senators Dore, Durkan, Greive, Matson, Metcalf, Peterson (Ted)—6.

HOUSE BILL NO 55, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act

HOUSE BILL NO 12, by Representatives Hoggins and Brouillet (by Joint Committee on Education request):

Abolishing obsolete authority of certain school districts to establish and maintain certain parental or truant schools.

The bill was read the second time by sections.

On motion of Senator Atwood, the rules were suspended, House Bill No 12 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Bailey: "Mr. President, a question of Senator Ridder, Senator, this is strictly a repealer of the truant schools and no other repealers or change in substantive law as relates to education?"

Senator Ridder: "Right. It takes 13.12.010 through 13.12.070 that deals with truants and truant schools."

Senator Bailey: "Senator Ridder, is there any intention to change any substantive law in this code change?"

Senator Ridder: "There is no intent whatsoever. It is merely a code cleanup."

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No 12 and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 4; excused 6

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Absent or not voting: Senators Herr, McCutcheon, Murray, Twigg - 4

Excused: Senators Dore, Durkan, Greive, Matson, Metcalf, Peterson (Ted) - 6

HOUSE BILL NO. 2, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 15, by Representatives Hoggins, Brouillet and King (by Joint Committee on Education request):

Deleting certain common school provisions from the higher education code and reenacting them in their proper code.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, House Bill No. 15 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 15, and the bill passed the Senate by the following vote: Yeas, 39, absent or not voting, 4, excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall - 39.

Absent or not voting: Senators Herr, McCutcheon, Murray, Twigg - 4

Excused: Senators Dore, Durkan, Greive, Matson, Metcalf, Peterson (Ted) - 6.

HOUSE BILL NO. 15, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 16, by Representatives Hoggins, Brouillet and Luders (by Joint Committee on Education request):

Deleting obsolete authority of superintendent of public instruction.

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, House Bill No. 16 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 16, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 3, excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall - 40.

Absent or not voting: Senators Herr, McCutcheon, Murray - 3.

Excused: Senators Dore, Durkan, Greive, Matson, Metcalf, Peterson (Ted) - 6.

HOUSE BILL NO. 16, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 17, by Representatives Hoggins and Brouillet (by Joint Committee on Education request):

Repealing obsolete law which provides for apportionment of public school funds to certain school districts for pupils from orphan homes:

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, House Bill No. 17 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Andersen: "Will Senator Francis yield to a question? Senator, I grew up across the street from the Oddfellows Home in Walla Walla, which was, I believe you would call it, an orphans' home, though that expression was not used. Are there some other provisions that give them tax relief that would make this particular provision of the law that is here being repealed obsolete?"

Senator Francis: "Yes, Senator Andersen, the Interdistrict Cooperation Act now completely takes care of that aspect of the apportionment so that these provisions are obsolete anyway."

#### POINT OF INQUIRY

Senator Guess: "Would Senator Ridder yield? Senator, we have an orphans' home in Spokane. It is in the fourth district and I just wonder what is the impact of this bill?"

Senator Ridder: "Right now in No. 308 which was the Interdistrict Cooperation Act it states 'reside in any home or institution devoted to providing a home for dependent or otherwise referred or entrusted children, provided such home or institution exempt from taxation under the laws of the state of Washington'."

"This is the same language that appears in 28A 48 060 which took care of orphans' schools in the old code section. This does exactly the same thing only it does not say 'orphan home'. It provides for reimbursement to local school districts for the cost resulting from the attendance of students who reside in any home or institution devoted to providing a home for dependent or otherwise referred or entrusted children. This takes care of it."

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 17, and the bill passed the Senate by the following vote. Yeas, 40; absent or not voting, 3; excused, 6.

Voting yea. Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Newschwander, Odegard, Peterson (Lowe.), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—40.

Absent or not voting: Senators Herr, McCutcheon, Murray 3

Excused. Senators Dore, Durkan, Greive, Matson, Metcalf, Peterson (Ted)—6.

HOUSE BILL NO. 17, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 18, by Representatives Hoggins, Brouillet, King, Knowles and Luters (by Joint Committee on Education request).

Changing "county" and/or "intermediate district" to "intermediate school district" within certain sections of the common school code.

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, House Bill No. 18 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.



## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 18, and the bill passed the Senate by the following vote: Yeas, 40, absent or not voting, 3; excused, 6

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elucker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Newschwander, Odegard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—40

Absent or not voting: Senators Herr, McCutcheon, Murray—3.

Excused: Senators Dore, Durkan, Greive, Matson, Metcalf, Peterson (Ted)—6.

HOUSE BILL NO 18, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act

## MOTION

On motion of Senator Ridder, House Bill No 41 was ordered to hold its place on the second reading calendar for Monday, March 8, 1971.

ENGROSSED HOUSE BILL NO. 298, by Representatives Wanamaker, Douthwaite, Cunningham, Conway and Hoggins (by departmental request)

Providing for tire standards.

The bill was read the second time by sections.

On motion of Senator Washington, the rules were suspended, Engrossed House Bill No. 298 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No 298, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2, excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elucker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42

Absent or not voting: Senators Herr, McCutcheon—2.

Excused: Senators Dore, Durkan, Greive, Matson, Peterson (Ted)—5.

ENGROSSED HOUSE BILL NO 298, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich served notice that he would, at the proper time today move that the Senate reconsider the vote by which Engrossed House Bill No. 298 passed the Senate

## MOTION

At 12:15 p.m., on motion of Senator Bailey, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

## MOTION

On motion of Senator Greive, Senate Joint Resolution No. 22 was ordered held on the second reading calendar for Monday, March 8, 1971.

## SECOND READING

ENGROSSED HOUSE BILL NO. 50, by Representative Jastad:

Renaming the Mayfield Lake State Park as the Ike Kinswa State Park

The bill was read the second time by sections.

On motion of Senator Odegaard, the rules were suspended, Engrossed House Bill No. 50 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 50, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 3; excused, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Ellicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Scott, Stender, Stormini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Voting nay: Senator Francis—1.

Absent or not voting: Senators Day, McCutcheon, Sandison—3.

Excused: Senators Dore, Durkan, Matson, Peterson (Ted)—4.

ENGROSSED HOUSE BILL NO. 50, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 206, by Representatives Juhn, Harris and Marsh

Permitting immediate transfers of assets under the bulk sales act.

The bill was read the second time by sections.

On motion of Senator Atwood, the rules were suspended, Engrossed House Bill No. 206 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 206, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Anderson, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Ellicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Scott, Stender, Stormini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators McCutcheon, Sandison—2.

Excused: Senators Dore, Durkan, Matson, Peterson (Ted)—4.

ENGROSSED HOUSE BILL NO. 206, having received the constitutional majority, was

declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO 320, by Representatives Amen, Bozarth and Goldsworthy:

Delegating elevator inspection to the division of safety.

The bill was read the second time by sections

On motion of Senator Stortini, the rules were suspended, Engrossed House Bill No. 320 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No 320, and the bill passed the Senate by the following vote. Yeas, 43 absent or not voting, 2; excused, 4.

Voting yea. Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43

Absent or not voting: Senators McCutcheon, Sandison—2.

Excused. Senators Dore, Durkan, Matson, Peterson (Ted)—4.

ENGROSSED HOUSE BILL NO 320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO 509, by Representatives Bledsoe, Flanagan, Amen, Benitz, Morrison, Newhouse, Schumaker, Curtis, Hatfield, Lynch, Spanton, Wanamaker, Smith, Hansey, Goldsworthy, Haussler, Bozarth, Bauer and Van Dyk:

Providing for assessments by the Washington state beef commission.

The bill was read the second time by sections

#### MOTIONS

On motion of Senator Keefe, Senator Jolly was excused.

On motion of Senator Canfield, the rules were suspended, Engrossed House Bill No. 509 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No 509, and the bill passed the Senate by the following vote. Yeas, 36, nays, 4; absent or not voting, 5; excused, 4.

Voting yea. Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Keefe, Knoblauch, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Ridder, Scott, Stortini, Talley, Walgren, Washington, Whetzel, Wilson—36.

Voting nay: Senators Atwood, Lewis, Twigg, Woodall—4.

Absent or not voting: Senators Guess, Jolly, McCutcheon, Sandison, Stender—5

Excused. Senators Dore, Durkan, Matson, Peterson (Ted)—4

ENGROSSED HOUSE BILL NO. 509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 54, by Representatives Beck, Berentson and Wanamaker (by departmental request):

Providing for reciprocal or proportional registration of vehicles

The bill was read the second time by sections

On motion of Senator Washington, the rules were suspended, Engrossed House Bill No. 54 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 54, and the bill passed the Senate by the following vote: Yeas, 40, absent or not voting, 4, excused, 5.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Greve, Henry, Herr, Holman, Huntley, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—40.

Absent or not voting: Senators Atwood, Guess, McCutcheon, Sandison—4.

Excused: Senators Dore, Durkan, Jolly, Matson, Peterson (Ted)—5.

ENGROSSED HOUSE BILL NO. 54, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 57, by Representatives Wolf, Adams and Kopet (by departmental request):

Providing for changes in licensing periods by the director of motor vehicles.

The bill was read the second time by sections.

On motion of Senator Washington, the rules were suspended, Engrossed House Bill No. 57 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 57, and the bill passed the Senate by the following vote: Yeas, 42, absent or not voting, 2, excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators McCutcheon, Sandison—2.

Excused: Senators Dore, Durkan, Jolly, Matson, Peterson (Ted)—5.

ENGROSSED HOUSE BILL NO. 57, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 157, by Representatives Kirk, McDermott, Farr,

Charette, Wanamaker, Kraabel Kilbury, Knowles, Kopet, Kuehnle, Lynch, Merrill, North, Pardini, Ross and Smith

Providing immunity from implied warrant and civil liability in blood transfusions

#### REPORT OF STANDING COMMITTEE

March 3, 1971.

ENGROSSED HOUSE BILL NO 157, providing immunity from implied warrant and civil liability in blood transfusions (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 19, after "compensation;" and before "PROVIDED," insert "PROVIDED FURTHER, That this act shall only apply where the person, firm or corporation rendering the above service shall have maintained records of donor suitability and donor identification similar to those specified in Sections 73 301 and 73 302(e) as now written or hereafter amended in Title 42 Public Health Service Regulations adopted pursuant to the Public Health Service Act, 42 U.S.C. 262:"

Following section 1, add a new section to read as follows:

"NEW SECTION Sec. 2. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

Signed by: Senators Gissberg, Chairman, Andersen, Clarke, Holman, Twigg, Walgren, Woodall.

The bill was read the second time by sections

Senator Gissberg moved adoption of the committee amendment to page 1, line 19

#### POINT OF INQUIRY

Senator Mardesich: "Would Senator Gissberg yield? Senator, in reading the amendment I take it to be that the proven would exempt from the coverage of this act a firm that has not maintained records of donor suitability and donor identification. By the adoption of this amendment do we allow someone to escape the intent of the law simply by the avoidance of record keeping?"

Senator Gissberg. "No, it does not. The act itself changes the theory of the law and I will probably have to explain the whole act now in view of your question.

"At the present time the use of blood has been ruled by our Supreme Court to be not a service but rather to be a sale of a product and that, as a consequence of that doctrine there is an implied warranty of fitness for purpose.

"The way the bill was first introduced in the House, it would have changed that doctrine so as to have just allowed a suit for negligence in all cases. However, the House Judiciary Committee and our Judiciary Committee did not want to have that broad change but we only wanted to change that doctrine to apply in the case of hepatitis and malaria. Those two diseases, we learned, are such that there is no way that you can tell from an examination of the blood whether or not it is infected with hepatitis or malaria. As a consequence, the bill now reads that the implied warranty doctrine is abolished only for the two situations that I just mentioned, hepatitis and malaria. The applicability of the act then only applies to malaria and hepatitis. We are further restricting the applications of the act in those situations to those persons who keep records as indicated in this amendment.

"The testimony was that they all do keep records in this state but we wanted to be doubly sure. Apparently, in this state at least, the blood that is used in the state of Washington is received from noncompensated donors and that all of those who withdraw the blood do keep adequate records. Senator Andersen wanted to make doubly sure that this was the case and so that in the event that there was a question that arose, he wanted to be able to allow the person who had become infected to make certain that the identity of the donor, whether it was a compensated or a noncompensated donor. Some of the blood that is drawn in this state is drawn for compensation. That is, the donor is paid, but the testimony was that as to that blood all of it goes outside of the state of Washington."

The motion by Senator Gissberg carried and the committee amendment to page 1, line 19 was adopted

On motion of Senator Gissberg, the second committee amendment was adopted

On motion of Senator Gissberg, the rules were suspended, Engrossed House Bill No. 157, as amended by the Senate was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No 157, as

amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Dore, Durkan, Jolly, Matson, Peterson (Ted)—5.

ENGROSSED HOUSE BILL NO. 157, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 71, by Representatives Bledsoe, Kiskaddon and Moon (by Legislative Council request):

Extending medical aid coverage to state volunteer workers.

The bill was read the second time by sections.

On motion of Senator Stortini, the rules were suspended, Engrossed House Bill No. 71 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 71, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Dore, Durkan, Jolly, Matson, Peterson (Ted)—5.

ENGROSSED HOUSE BILL NO. 71, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 109, by Representatives Zimmerman, Brown, Randall and Brouillet (by Joint Committee on Education request):

Authorizing state board of education to establish regulations governing school district numbering.

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, House Bill No. 109 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 109, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray,

Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—42

Absent or not voting: Senator McCutcheon, Twigg—2.

Excused: Senators Dore, Durkan, Joly, Matson, Peterson (Ted)—5.

HOUSE BILL NO 109, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO 143, by Representatives Bottiger, Julin and Harris

Providing that professional service corporations with one shareholder need have only one officer and director.

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, House Bill No 143 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No 143, and the bill passed the Senate by the following vote: Yeas, 42, absent or not voting, 2; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators McCutcheon, Twigg—2.

Excused: Senators Dore, Durkan, Jolly, Matson, Peterson (Ted)—5.

HOUSE BILL NO 143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having given prior notice, Senator Mardesich moved that the Senate do now reconsider the vote by which Engrossed House Bill No 298 passed the Senate.

Debate ensued.

The motion for reconsideration carried.

### MOTIONS

On motion of Senator Mardesich, the rules were suspended and Engrossed House Bill No 298 was returned to second reading.

On motion of Senator Mardesich, the following amendments were adopted:

On page 2, section 3, line 18, after "any vehicle" insert "the tires of which have contact with the driving surface of the road."

On page 3, section 3, line 6, after "(5)A" strike "tire bearing a"

On motion of Senator Mardesich, the rules were suspended, Engrossed House Bill No 298, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Peterson (Lowell): "Would Senator Washington yield? Senator, in the case of an automobile dealer who has cars that are traded in and constantly being resold, would he be in violation of the law if he sold an automobile that had a so-called boot in it? Another question, what is your definition of a boot?"

Senator Washington: "There will be some regulations established which would determine the proper definition of a boot. This relates to the operator of the vehicle himself. This does not relate to the seller. It says no person shall drive, cause to be moved, any vehicle, and so forth."

Senator Peterson (Lowell): "Then in other words you are telling me that if I bought a used car from a licensed automobile dealer in the state of Washington and it had tires on it that had been repaired with boots, then I could not hold the dealer responsible. It would not be his responsibility?"

Senator Washington: "Here it also provides no person, firm or corporation shall sell any vehicle for use on the public highways of this state unless the vehicle is equipped with tires that are in compliance with the provisions of this section. If the tires are found to be in violation of the provisions of this section, the person, firm or corporation selling the vehicle shall cause such tires to be removed from the vehicle and shall equip the vehicle with tires that are in compliance with the provisions of this section. I think this is the remedy in this particular case. It does not necessarily put him in violation but he does have to put a tire that does meet the requirements on the vehicle. I think this is the saving clause there."

#### MOTIONS

On motion of Senator Greive, Engrossed House Bill No. 298, as amended by the Senate, was ordered held on the third reading calendar for Monday, March 8, 1971.

At 3:00 p.m., on motion of Senator Greive, the Senate adjourned until 12:00 noon, Monday, March 8, 1971.

JOHN A. CHERBERG, President of the Senate

SIDNEY R. SNYDER, Secretary of the Senate



## FIFTY-SEVENTH DAY

## NOON SESSION

Senate Chamber, Olympia, Wash., Monday, March 8, 1971.

The Senate was called to order at 12:00 noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Durkan, Francis, Gissberg, Huntley, Lewis, Matson, Metcalf, Peterson (Lowell), Peterson (Ted), Stender, Stortini and Whetzel. On motion of Senator Keefe, Senators Durkan, Francis, Gissberg, Peterson (Lowell) and Stortini were excused. On motion of Senator McDougall, Senators Huntley, Lewis, Matson, Metcalf, Peterson (Ted), Stender and Whetzel were excused.

The Color Guard, consisting of Pages Chris Gudjohnsen, Color Bearer, and Sarah Weaver, presented the Colors. Reverend Arthur L. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered prayer as follows:

"We thank Thee, O God, for this moment of prayer at the beginning of another week. May we never be too efficient to pray and thereby lose time in our endeavor to save it. We would praise Thee now with our thoughts, even as the sun praises Thee in the morning. We thank Thee that the light of Thy grace and truth is still shining and that all the darkness in the world has never, can never put it out.

"Send out Thy light and Thy truth to guide us in all that we say and do this day. May we find joy in being Thy servants, through Jesus Christ our Lord. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## PERSONAL PRIVILEGE

Senator Greive. "I would like the record to show that Senators Ted Peterson, Joe Stortini, Jack Metcalf and Lowell Peterson are on official business in the state of Alaska, representing the state of Washington, so that any subsequent votes that are taken will be duly accounted for."

## REPORTS OF STANDING COMMITTEES

March 8, 1971.

ENGROSSED HOUSE BILL NO. 44, providing for the cancellation of county warrants after one year (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman, Canfield, Clarke, Elicker, Fleming, Herr, Mardesich, McDougall, Ridder, Talley, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 8, 1971.

HOUSE BILL NO. 88, providing that port districts of less than county size cannot be formed (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman, Clarke, Elicker, Fleming, Herr, Mardesich, McDougall, Ridder, Talley, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 8, 1971.

ENGROSSED HOUSE BILL NO. 134, providing for reduction in the number of fire commissioners in a merged fire protection district (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Canfield, Clarke, Elicker, Fleming, Herr, Mardesich, McDougall, Ridder, Talley, Wilson.

Passed to Committee on Rules and Joint Rules for second reading

March 8, 1971.

ENGROSSED HOUSE BILL NO. 166 requiring persons assessing real property to meet certain standards of training and experience and pass an examination (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Canfield, Clarke, Elicker, Fleming, Herr, Mardesich, McDougall, Ridder, Talley, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 8, 1971.

HOUSE BILL NO. 211, providing for the amendment and repeal of certain obsolete or inactive material relating to various local government units and agencies (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass

Signed by: Senators Connor, Chairman; Canfield, Clarke, Elicker, Fleming, Herr, Mardesich, McDougall, Ridder, Talley, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 5, 1971.

ENGROSSED HOUSE BILL NO. 226, revising uniform commercial code fees for search and copy requests (reported by Judiciary Committee)

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Foley, Holman, Twigg, Wagren.

There being no objection, the committee report was adopted and Engrossed House Bill No 226 was referred to the Committee on Ways and Means

March 5, 1971.

HOUSE BILL NO. 227, revising summons and complaint fees for nonresidents (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended and that it be referred to the Committee on Ways and Means.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Foley, Holman, Twigg, Wagren.

There being no objection, the committee report was adopted and House Bill No 227 was referred to the Committee on Ways and Means.

March 5, 1971.

ENGROSSED HOUSE BILL NO 253, providing for certain changes in the regulation of nonprofit corporations and associations (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended and that it be referred to the Committee on Ways and Means.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Foley, Holman, Twigg, Wagren.

There being no objection, the committee report was adopted and Engrossed House Bill No. 253 was referred to the Committee on Ways and Means.

March 8, 1971.

ENGROSSED HOUSE BILL NO. 445, providing state wide system of public and instructional television (reported by Committee on Rules and Joint Rules):

Recommends that the bill be referred to the Committee on Ways and Means.

Signed by: President Cherberg, Chairman; Senators Andersen, Atwood, Bailey, Cooney, Foley, Guess, Henry, Keefe, Ridder, Talley, Woodall.

There being no objection, the committee report was adopted and Engrossed House Bill No 445 was referred to the Committee on Ways and Means

March 8, 1971.

ENGROSSED HOUSE BILL NO. 523, authorizing safety awards for county employees (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Canfield, Clarke, Elicker, Fleming, Herr, Mardesich, McDougall, Ridder, Talley, Wilson.

Passed to Committee on Rules and Joint Rules for second reading

March 8, 1971.

HOUSE BILL NO. 621, providing that interest earned from funds of the department of agriculture shall be credited to the department of agriculture (reported by Committee on Rules and Joint Rules)

Recommends that the bill be referred to the Committee on Ways and Means.

Signed by: President Cherberg, Chairman; Senators Andersen, Atwood, Bailey, Cooney, Foley, Guess, Henry, Keefe, Knoblauch, Ridder, Talley, Woodall.

There being no objection the committee report was adopted and House Bill No. 621 was referred to the Committee on Ways and Means.

March 5, 1971

ENGROSSED HOUSE BILL NO. 720, establishing a statute of limitations for medical malpractice (reported by Judiciary Committee):

MAJORITY recommendation. Do pass.

Signed by: Senators Gissberg, Chairman, Andersen, Clarke, Foley, Holman, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

## MESSAGE FROM THE HOUSE

March 8, 1971.

Mr. President: The Speaker has signed

HOUSE BILL NO. 12,  
HOUSE BILL NO. 15,  
HOUSE BILL NO. 16,  
HOUSE BILL NO. 17,  
HOUSE BILL NO. 18,  
HOUSE BILL NO. 50,  
HOUSE BILL NO. 54,  
HOUSE BILL NO. 55,  
HOUSE BILL NO. 57,  
HOUSE BILL NO. 71,  
HOUSE BILL NO. 109,  
HOUSE BILL NO. 143,  
HOUSE BILL NO. 206,  
HOUSE BILL NO. 320,  
HOUSE BILL NO. 509,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 12,  
HOUSE BILL NO. 15,  
HOUSE BILL NO. 16,  
HOUSE BILL NO. 17,  
HOUSE BILL NO. 18,  
HOUSE BILL NO. 50,  
HOUSE BILL NO. 54,  
HOUSE BILL NO. 55,  
HOUSE BILL NO. 57,  
HOUSE BILL NO. 71,  
HOUSE BILL NO. 109,  
HOUSE BILL NO. 143,  
HOUSE BILL NO. 206,  
HOUSE BILL NO. 320,  
HOUSE BILL NO. 509.

## MOTIONS

On motion of Senator Greive, Senate Joint Resolution No. 22 was ordered to hold its place on the second reading calendar for Tuesday, March 9, 1971.

On motion of Senator Ridder, House Bill No. 41 was ordered to hold its place on the second reading calendar for Tuesday, March 9, 1971.

## SECOND READING

HOUSE BILL NO 172, by Representatives Flanagan, Kiskaddon and Haussler (by departmental request).

Restoring tax statutes based on passage of HJR 42 to previous status

The bill was read the second time by sections.

Senator Atwood moved adoption of the following amendments by Senators Holman and Atwood

Beginning on page 15, line 3 strike all of sections 13 and 14 and renumber the remaining sections consecutively.

On page 19, following renumbered section 14, insert the following new sections.

"NEW SECTION Sec. 15. For purposes of section 16 of this act

(1) "Deferrable taxes" shall mean that portion of real property taxes due and payable in 1971 representing any increase in such taxes over those due and payable in 1970 attributable to an increase in assessed valuation over that of the prior year. PROVIDED, HOWEVER, That in the event that an increase in assessed valuation, or any part thereof, is attributable to the construction or alteration of any building for which the value of the material exceeds five hundred dollars, such increase or part thereof shall be added to the prior year's assessed valuation in determining the amount of deferrable taxes.

(2) "Qualified residence" shall mean a single family dwelling, owned on January 1, 1971 and regularly occupied during 1970 by a qualified taxpayer, said dwelling to include the land on which the dwelling stands not to exceed one acre. PROVIDED, HOWEVER, That for purposes of this subsection a residence owned by a marital community shall be deemed to be owned by each spouse.

(3) "Qualified taxpayer" shall mean a person whose adjusted gross income for purposes of computing 1970 federal income tax liability if any, together with the adjusted gross income of his or her spouse for the same year, if any, did not exceed thirty-six hundred dollars. PROVIDED, HOWEVER, That the actual filing of a federal tax return for 1970 shall not be a condition for qualification under this subsection.

NEW SECTION. Sec. 16. Solely for purposes of computing interest on delinquent taxes, and notwithstanding the provisions of RCW 84 56 020, one third of the deferrable taxes imposed upon a qualified residence shall be considered to be due and payable in 1972, one third of such taxes shall be considered to be due and payable in 1973, and the remaining one third shall be considered to be due and payable in 1974.

NEW SECTION. Sec. 17. Claims for qualification under section 16 of this act shall be made on or before April 30, 1971, and in the manner and upon forms prescribed by the department of revenue. The department is hereby directed to publicize through newspapers, radio or television advertisements the rights conferred under this act, the qualifications therefor, and the manner of making claims therefor.

NEW SECTION. Sec. 18. There is added to chapter 15, Laws of 1961 and to chapter 84 36 RCW a new section to read as follows:

A person shall be exempt from any legal obligation to pay a percentage of the amount of real property taxes due and payable in any one year as the result of the levy of additional taxes in excess of the limitation upon levies provided for in RCW 84 52 050 through 84 52 056 and Article VII, section 2 of the state Constitution, as amended, in accordance with the following conditions:

(1) The property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the two calendar years preceding the year in which the exemption claim is filed, or the property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the preceding calendar year and the person claiming the exemption must also have been a resident of the state of Washington for the last three calendar years preceding the year in which the claim is filed.

(2) The person claiming the exemption must have owned, at the time of filing in fee, by contract purchase or by deed of trust the residence on which the property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community shall be deemed to be owned by each spouse.

(3) The person claiming the exemption must have been sixty two years of age or older on January 1st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability.

(4) No person who, during the preceding calendar year has regularly occupied the residence on which the taxes have been imposed shall have received during the preceding calendar year any earnings of the type and amount which would cause any deduction from social security benefits for a recipient of such benefits pursuant to 42 U.S.C. 403 as in effect on the effective date of this 1971 act.

(5) The amount that the person shall be exempt from an obligation to pay shall be calculated, on the basis of the combined income from all sources whatsoever of the person claiming the exemption and his or her spouse for the preceding calendar year, in accordance with the following schedule.

Income Range	Percentage of Excess Levies Exemption
\$3,000 or less	One hundred percent
\$3,001-\$4,000	Seventy-five percent

\$4,001-\$5,000  
\$5,001-\$6,000

Fifty percent  
Twenty-five percent

PROVIDED, HOWEVER, That a person within the income range of \$3,000 or less shall receive an exemption of no less than the first \$100.00 of taxes due and payable.

NEW SECTION Sec. 19 There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

For the purposes of section 18 of this act:

(1) The term "residence" shall mean a single family dwelling, including the land on which the dwelling stands not to exceed one acre. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080, 84.04.090 or RCW 84.40.250, such a residence shall be deemed real property.

(2) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made:

All claims for exemption shall be made and signed by the person entitled to the exemption by him or her attorney in fact or in the event the residence of such person is under mortgage or purchase contract requiring accumulation of reserves out of which the holder of the mortgage or contract is required to pay real estate taxes, by such holder, either before a notary public or the county treasurer or his deputy in the county where the real property is located. Any person signing a false claim shall be subject to perjury.

Claims for exemption under section 18 of this act shall be made annually and filed between January 2 and July 1 of the year in which the property tax levies are imposed and solely upon forms as prescribed and furnished by the department of revenue.

Sec. 20, Section 84.69.020, chapter 15, Laws of 1961 as amended by section 1, chapter 224, Laws of 1969 *et. pass* and RCW 84.69.020 are each amended to read as follows:

On order of the board of county commissioners or other county governing authority designated by charter ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once; or
- (2) Paid as a result of manifest error in description; or
- (3) Paid as a result of a clerical error in extending the tax rolls; or
- (4) Paid as a result of other clerical errors in listing property; or
- (5) Paid with respect to improvements which did not exist on assessment date; or
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional; or
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person

exempted from paying real property taxes or a portion thereof pursuant to [RCW 84.36.128 PROVIDED, That a claim for such refund is made on or before October 30 of the year for which the taxes have been paid] section 18 of this 1971 amendatory act or

(8) Overpaid as a result of mistake, inadvertence, or lack of knowledge by any person paying the same PROVIDED, That a claim for such refund is made on or before October 30 of the year for which the taxes have been overpaid; or

(9) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board PROVIDED That the amount refunded shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order.

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsection (8).

Sec. 21 Section 84.41.030, chapter 15, Laws of 1961 and RCW 84.41.030 are each amended to read as follows:

[Each county assessor shall commence, immediately if possible, but no later than January 1, 1956, a comprehensive program of revaluation of all taxable property within his respective county. Such program shall progress at a rate which will result in the revaluation of all taxable property within the county before June 1, 1958.] Each county assessor shall [hereafter] maintain an active and systematic program of revaluation on a continuous basis, and shall establish a revaluation schedule which will result in revaluation of all taxable real property within the county at least once each four years. [A copy of such schedule shall be filed by each assessor with the tax commission before October 15, 1956.]

Sec. 22 Section 84.41.040, chapter 15, Laws of 1961 and RCW 84.41.040 are each amended to read as follows:

Each county assessor shall cause real property being valued to be physically inspected [and shall require such examination as will] at least once every four years in order to provide adequate data from which to make accurate valuations. [Property which may have been revalued after physical examination by the assessor subsequent to May 31, 1954, shall be considered to have been revalued pursuant to the requirement of this chapter.] During the intervals between each physical inspection of real property, the valuation of such property may be adjusted to its current true and fair value, such adjustments to be based upon appropriate statistical data.

NEW SECTION Sec. 23, There is added to chapter 84.48 RCW a new section to read as follows:

The board of equalization shall reconvene on the first Monday of September for the purpose of equalizing valuations of real property within the county. Such equalization shall be accomplished in the following manner:

(1) The department of revenue shall certify to the board the ratio of the assessed valuation of locally assessed property in the county to the true and fair value of such property based upon assessed values established without regard to equalization accomplished pursuant to this section (hereinafter referred to as the "tentative county indicated ratio"). The department shall also certify the ratio of the assessed valuation of locally assessed property in those geographical areas in the county which have been revalued pursuant to a cyclical revaluation program approved by the department of revenue to the true and fair value of such property (hereinafter referred to as the "revaluation ratio"). The board shall review the revaluation ratio so certified, and may accept, reject, or modify the ratio.

(2) If the revaluation ratio as determined by the board, exceeds one hundred and ten percent of the tentative county indicated ratio, the board shall order the assessor, in accordance with the provisions of section 22 of this act to reduce by a uniform percentage the true and fair values of real property within the geographical areas covered by the revaluation ratio by a uniform percentage such that the revaluation ratio shall equal the tentative county indicated ratio. For the purpose of administrative convenience, such reductions may be accomplished, in lieu of actual changes in the assessment rolls, by the assessor certifying to the treasurer the percentage adjustment for the geographical areas involved, on the basis of which the treasurer shall adjust the amount of taxes otherwise payable.

Sec. 24, Section 84.48.080, chapter 15, Laws of 1961 and RCW 84.48.080 are each amended to read as follows:

[The members of the tax commission shall constitute the state board of equalization, the chairman of the tax commission shall be the president of the board, and the secretary of the tax commission shall be the secretary thereof. The board shall remain in session not to exceed thirty days, it may adjourn from day to day, and employ such clerical assistance as may be deemed necessary to facilitate its labors. The board shall meet annually on the first day after the first day of August. Saturdays, Sundays and holidays excepted. At the office of the tax commission, and] *Annually during the month of August, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the [tax commission] department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.*

First. [They] *The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal [and uniform], so far as possible, to the true and fair value of such class as of January 1st of the current year [in every part of the state] for the purpose of ascertaining the just amount of tax due from each county for state purposes. Such classification may be on the basis of types of property, geographical areas, or both.*

Second. The [secretary] department shall keep a full record of [the] its proceedings [of the board,] and the same shall be published annually by the [state tax commission] department.

Third. [They] *The department shall have authority to adopt the rules and regulations [for the government of the board, and] to enforce obedience to its orders in all matters in relation to the returns of county assessments, and the equalization of values by [said board] the department.*

The [state board of equalization] department shall levy the state taxes authorized by law. PROVIDED, That the amount levied in any one year for general state purposes shall not exceed the lawful milage on the dollar of the assessed value of the property of the entire state, which assessed value shall be fifty percent of the true and fair value of such property in money and shall apportion the amount of tax for state purposes levied by the [board] department among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the [board] department.

Within three days [After the completion of the duties hereinabove prescribed, the [president and secretary of the board] director of the department shall certify the record of the proceedings of the [board] department under this section. The tax levies made for state purposes and the apportionment thereof among the counties, to the state auditor.

NEW SECTION Sec. 25. The indicated county ratios determined by the department of revenue for 1970, as adjusted for the purposes of reflecting compliance with chapter 84.41 RCW, are hereby adopted, confirmed, and approved.

NEW SECTION Sec. 26. The amendment or repeal of any statutes by this 1971 amendatory act shall not be construed as invalidating, abating or otherwise affecting any existing right, acquired or any liability or obligation incurred under the provisions of the statutes amended or repealed. Such amendment or repeal shall not affect the right of any person to make a claim for exemption during the calendar year 1971 pursuant to RCW 84.36.128 nor shall the amendment to RCW 84.69.020 affect the right of any person to a refund for taxes paid by any person exempted therefrom pursuant to RCW 84.80.128.

NEW SECTION Sec. 27. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining sections consecutively

On page 19, renumbered section 28, add two new subsections as follows:

"(6) Section 1, chapter 132, Laws of 1967 ex. sess., section 62, chapter 262, Laws of 1969 ex. sess. and RCW 84.36.128, and

(7) Section 3, chapter 8, Laws of 1970 ex. sess. and RCW 84.36.129."

In renumbered section 25, insert the following paragraph:

"Section 16 of this act shall be applicable to claims made in 1971 and subsequent years with respect to taxes due and payable in 1972 and subsequent years."

On page 2 of the title beginning with "amending section 1," in line 1, strike all of the matter down to and including "84.36.129" in line 5 and insert "amending section 84.41.030, chapter 15, Laws of 1961 and RCW 84.41.030; amending section 84.41.040, chapter 15, Laws of 1961 and RCW 84.41.040, amending section 84.48.080, chapter 15, Laws of 1961 and RCW 84.48.080 amending section 84.69.020, chapter 15, Laws of 1961 as amended by section 1 chapter 224, Laws of 1969 ex. sess. and RCW 84.69.020, adding new sections to chapters 84.36 and 84.48 RCW; creating new sections."

On page 2, line 16 of the title after "ex. sess.;" and before "and" insert "repealing section 1, chapter 132, Laws of 1967 ex. sess., section 62, chapter 262, Laws of 1969 ex. sess. and RCW 84.36.128, repealing section 3, chapter 8, Laws of 1970 ex. sess. and RCW 84.36.129;"

### MOTION

On motion of Senator Atwood, House Bill No. 172 and the pending amendments by Senators Holman and Atwood was ordered to hold its place on the second reading calendar for Tuesday, March 9, 1971

HOUSE BILL NO. 220, by Representatives Bluechel, Perry and Cunningham (by Secretary of State request)

Simplifying documentary requirements for foreign corporations requesting authority to do business in Washington.

The bill was read the second time by sections

On motion of Senator Walgren, the rules were suspended, House Bill No. 220 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 220, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 1, excused 12

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Ellicker, Fleming, Foley, Gardner, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Murray, Newschwander, Odegard, Ridder, Sandison, Scott, Talley, Twigg, Walgren, Washington, Wilson, Woodall—36.

Absent or not voting: Senator Dore—1.

Excused: Senators Durkan, Francis, Gissberg, Huntley, Lewis, Matson, Metcalf, Peterson (Lowell) Peterson (Ted), Stender, Stortini, Whetzel—12.

HOUSE BILL NO. 220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 234, by Representatives Bottiger, Julin and Hubbard

Providing criminal penalties for removing from the state property subject to a security agreement.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Engrossed House Bill No. 234 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 234, and the bill passed the Senate by the following vote. Yeas, 35, absent or not voting, 2, excused, 12.

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Gardner, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Murray, Newschwander, Odegaard, Ridder, Sandson, Scott, Talley, Twigg, Walgren, Washington, Wilson, Woodall—35.

Absent or not voting Senators Dore, McCutcheon—2.

Excused Senators Durkan, Francis, Gissberg, Huntley, Lewis, Matson, Metcalf, Peterson (Lowell), Peterson (Ted), Stender, Stortini, Whetzel—12.

ENGROSSED HOUSE BILL NO. 234 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 558, by Representatives Hubbard, Haussler and Bozarth:

Extending the definition of "public warehouse" to include open air enclosures adjacent to a warehouse building.

The bill was read the second time by sections.

On motion of Senator Jolly, the rules were suspended, House Bill No. 558 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary call the roll on the final passage of House Bill No. 558, and the bill passed the Senate by the following vote. Yeas, 36, absent or not voting, 2, excused, 11.

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Gardner, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Murray, Newschwander, Odegaard, Ridder, Sandson, Scott, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—36.

Absent or not voting Senators Dore, McCutcheon—2.

Excused Senators Durkan, Francis, Gissberg, Huntley, Lewis, Matson, Metcalf, Peterson (Lowell), Peterson (Ted), Stender, Stortini—11.

HOUSE BILL NO. 558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 12:30 p.m., on motion of Senator Greive, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

## MOTION

On motion of Senator McDougall, Senator Elicker was excused.

## SECOND READING

ENGROSSED HOUSE BILL NO. 405, by Representatives Conner, Jastad and Farr:



Regulating practical nurses.

The bill was read the second time by sections.

On motion of Senator Woodall, the rules were suspended, Engrossed House Bill No. 405 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Bailey, Engrossed House Bill No. 405 was made a special order of business for 2:50 p.m. today

ENGROSSED HOUSE BILL NO. 118, by Representatives Zimmerman, Brown, Brouillet and Randall (by Joint Committee on Education request):

Providing for number of school directors in new school districts.

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, Engrossed House Bill No. 118 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 118 and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elcker, Fleming, Foley, Gardner, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Murray, Newschwander, Odegard, Ridder, Sandison, Scott, Talley, Twigg, Wagren, Washington, Whetzel, Wilson, Woodall—39.

Excused—Senators Durkan, Francis, Gissberg, Huntley, Matson, Metcalf, Peterson (Lowell), Peterson (Ted) Stender, Stortini—10.

ENGROSSED HOUSE BILL NO. 118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Talley, Engrossed House Bill No. 75 was ordered to hold its place on the second reading calendar for Tuesday, March 9, 1971.

#### THIRD READING

ENGROSSED HOUSE BILL NO. 298, by Representatives Wanamaker, Douthwaite, Cunningham, Conway and Hoggins (by departmental request):

Providing for tire standards.

#### MOTIONS

On motion of Senator Washington, the rules were suspended, Engrossed House Bill No. 298 was returned to second reading.

On motion of Senator Washington, Engrossed House Bill No. 298 was ordered placed on the second reading calendar for Tuesday, March 9, 1971.

There being no objections the Senate returned to the seventh order of business.

## SECOND READING

HOUSE BILL NO 88, by Representatives Wolf, Charette and Bledsoe (by Legislative Council request):

Providing that port districts of less than county size cannot be formed

The bill was read the second time by sections.

On motion of Senator Talley, the rules were suspended, House Bill No 88 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

## POINT OF INQUIRY

Senator Canfield: "Will Senator Talley yield? First of all, Senator, I would appreciate it if you could tell what the reason for this is. I wonder if it is due to the fact that small port districts have not proliferated beyond the original intent of the act. My question specifically also is, would this not just lock in some of these present small districts and would preclude some others from coming in? For instance, in Yakima county, I do not know whether they want to come in or not, but we have one small port district in Yakima county. The bulk of Yakima county is not in the port district but might want to be in one some day. Would this preclude them from doing so?"

Senator Talley: "No, I do not think so, Senator Canfield. I think what it would do is allow the existing port district to be expanded to cover the county. It could be made county-wide—the existing port district."

Senator Canfield: "Senator, the present port district in Yakima county is known as the Sunnyside port district. I happen to live in it, but it is by far the smaller portion of Yakima county population-wise. The Yakima city, for instance is not in it. Would they have to join the Sunnyside port district or would it be a new county district?"

Senator Talley: "I would say they would have to join the existing port district, Senator. I am not too positive on that point."

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 88, and the bill passed the Senate by the following vote: Yeas, 39, excused, 10.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Gardner, Grewe, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Murray, Newschwander, Odegard, Ridder, Sandison, Scott Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Excused Senators Durkan, Francis, Gissberg, Huntley, Matson, Metcalf, Peterson (Lowell), Peterson (Ted), Stender, Storini—10.

HOUSE BILL NO. 88, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Washington served notice that he would, during this day, move that the Senate reconsider the vote by which House Bill No. 88 passed the Senate.

## SPECIAL ORDER OF BUSINESS

ENGROSSED HOUSE BILL NO. 405, by Representatives Conner, Jastad and Farr:  
Regulating practical nurses.

The time having arrived, the Senate resumed consideration of Engrossed House Bill No. 405 on third reading.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 405, and the bill passed the Senate by the following vote Yeas, 38, absent or not voting, 1, excused, 10

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elcker, Fleming, Foley, Gardner, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Murray, Newschwander, Odegaard, Ridder, Sandison, Scott, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—38.

Absent or not voting Senator Talley—1.

Excused: Senators Durkan, Francis, Gissberg, Huntley, Matson, Metcalf, Peterson (Lowell), Peterson (Ted), Stender, Stortini—10.

ENGROSSED HOUSE BILL NO. 405, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 108, by Representatives Zimmerman, Randall, Brown and Brouillet (by Joint Committee on Education request):

Providing for filling of vacancies in, quorum for, school districts

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, Engrossed House Bill No. 108 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Atwood "Would Senator Ridder yield? Senator, on page 5, section 4, the section dealing with four consecutive absences reads, 'unless on account of sickness or authorized by resolution.' I think that you have a wrong tense but I want to make sure that the intent is that sickness alone is not the only reason, if there is an authorization by resolution I think it should be authorization but I did not have time to catch it. The tense is not right but I do not want to nit pick with you. Authorization includes any number of other reasons, is that correct?"

Senator Ridder "Right. Resolution by the board the board seals all of its activities by a resolution. So if the board resolved in resolution that these persons be absent for reason then this becomes a rational reason for being absent."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 108, and the bill passed the Senate by the following vote Yeas, 38, absent or not voting, 1, excused, 10

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elcker, Fleming, Foley, Gardner, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Murray, Newschwander, Odegaard, Ridder, Sandison, Scott, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—38.

Absent or not voting Senator Talley—1.

Excused: Senators Durkan, Francis, Gissberg, Huntley, Matson, Metcalf, Peterson (Lowell), Peterson (Ted), Stender, Stortini—10.

ENGROSSED HOUSE BILL NO. 108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 10, by Representatives Brouillet, Bauer and Luders.

Recognizing certain items as evidence of educational competence for public employment.

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, House Bill No. 10 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

### POINT OF INQUIRY

Senator Clarke: "Would Senator Ridder yield? Senator, as I read this bill, it simply provides generally that the acceptable score of the general education developmental test shall be accepted. Can you tell me a little more about what this is and who makes the determination as to the substance of the test and whether or not it has been complied with?"

Senator Ridder: "I have never taken one of these but the superintendent of public instruction draws this test and it is a test of general competence and covers nearly all fields of high school graduate work. Consequently, it is similar to a high school diploma that covers the full range of work that a high school student would take in a liberal education. A passing score, of course, is sufficient. This would be a passing score of seventy."

Senator Clarke: "Senator, is it the intent of this bill that the general education developmental test be promulgated by the Washington state superintendent of public instruction?"

Senator Ridder: "Yes."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 10, and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elcker, Fleming, Foley, Gardner, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Murray, Newschwander, Odegaard, Ridder, Sandison, Scott, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Excused: Senators Durkan, Francis, Gissberg, Huntley, Matson, Metcalf, Peterson (Lowell), Peterson (Ted), Stender, Stortum—10.

HOUSE BILL NO. 10, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Henry, the Senate immediately commenced consideration of Engrossed House Bill No. 75.

ENGROSSED HOUSE BILL NO. 75, by Representatives Bozarth, Copeland, Bottiger, Haussner and Randall:

Authorizing school districts to permit emergency use by other governmental agencies of their school buses and equipment

The bill was read the second time by sections.

On motion of Senator Wilson, the following amendment was adopted.

Strike all material after the enacting clause and insert the following:

"NEW SECTION Section 1. It is the intent of the legislature and the purpose of this 1971 amendatory act that in the event of major forest fires, floods, or other natural emergencies that boards of directors of school districts, in their discretion may rent or lease school buses to governmental agencies for the purposes of transporting personnel, supplies and/or evacuees.

NEW SECTION Sec. 2. Each school district board shall determine its own policy as to whether or not its school buses will be rented or leased for the purposes of section 1 of this 1971 amendatory act, and if the board decision is to rent or lease, under what conditions, subject to the following

(1) Such renting or leasing may take place only after the state director of civil defense

or any of his agents so authorized has, at the request of an involved governmental agency, declared that an emergency exists in a designated area insofar as the need for additional transport is concerned.

(2) The agency renting or leasing the school buses must agree, in writing, to reimburse the school district for all costs and expenses related to their use and also must provide indemnity agreement protecting the district against any type of claim or legal action whatsoever, including all legal costs incident thereto.

Sec 3 Section 28A 24.055, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 163, Laws of 1969 ex. sess. and RCW 28A 24.055 are each amended to read as follows:

Every board of directors shall provide and pay for transportation of children to and from school whether such children live within or without the district when in its judgment the best interests of the district will be subserved thereby, but the board is not compelled to transport any pupil living within two miles of the schoolhouse.

When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts.

When commercial charter bus service is not reasonably available to a school district, the state board of education may authorize the use of school buses and drivers hired by the district for the transportation of school children and the school employees necessary for their supervision to and from any school activities within or without the school district during or after school hours and whether or not a required school activity so long as the school board has officially designated it as a school activity. For any extra-curricular uses, the school board shall charge an amount sufficient to reimburse the district for its cost.

In addition to the right to contract for the use of buses provided in sections 1 and 2 of this 1971 amendatory act, any school district may contract to furnish the use of school buses of that district to other users who are engaged in conducting an educational or recreational program supported wholly or in part by tax funds at times when those buses are not needed by that district and under such terms as will fully reimburse such school district for all costs related or incident thereto. PROVIDED, HOWEVER, That no such use of school district buses shall be permitted except where other public or private transportation certificated or licensed by the Washington Utilities and Transportation Commission is not reasonably available to the user. PROVIDED FURTHER, That no user shall be required to accept any charter bus for services which the user believes might place the health or safety of the children in jeopardy.

Whenever any school children are transported by the school district in its own motor vehicles and by its own employees, the board may provide insurance to protect the district against loss, whether by reason of theft, fire or property damage to the motor vehicle or by reason of liability of the district to persons from the operation of such motor vehicle.

The board may provide insurance by contract purchase for payment of hospital and medical expenses in an amount not exceeding one thousand dollars per child, per injury for the benefit of school children injured while they are on, getting on, or getting off any vehicles enumerated herein without respect to any fault or liability on the part of the school district or operator. This insurance may be provided without cost to the school children notwithstanding the provisions of RCW 28A 58.420.

If the transportation of children is arranged for by contract of the district with some person, the board may require such contractor to procure such insurance as the board deems advisable.

**NEW SECTION Sec 4** This 1971 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Wilson, the following amendment to the title was adopted:

In line 1 of the title, after "to" strike all of the material down to and including "28A.58 RCW;" in line 3, and insert the following:

"school districts, amending section 28A 24.055, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 163, Laws of 1969 ex. sess. and RCW 28A 24.055, creating new sections."

On motion of Senator Wilson, the rules were suspended, Engrossed House Bill No. 75, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 75, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39, excused, 10.

Voting yea: Senators Andersen, Atwood, Basley, Canfield, Clarke, Connor, Cooney, Day, Dorohue, Dore, Flicker, Fleming, Foley, Gardner, Greve, Guess, Henry, Herr, Holman, Jolly, Keete, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Murray,

Newschwander, Odegaard, Ridder, Sandson, Scott, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall 39

Excused Senators Durkan, Francis, Gissberg, Huntley, Matson, Metcalf, Peterson (Lowell), Peterson (Ted), Stender, Stortini—10

HOUSE BILL NO 75, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Ridder moved that the Senate immediately reconsider the vote by which the Senate passed Engrossed House Bill No. 10.

Debate ensued.

The motion carried.

#### MOTIONS

On motion of Senator Ridder, the rules were suspended and Engrossed House Bill No. 10 was returned to second reading.

On motion of Senator Ridder, Engrossed House Bill No. 10 was ordered held on the second reading calendar for Tuesday, March 9, 1971.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having given prior notice, Senator Washington moved that the Senate reconsider the vote by which House Bill No. 88 passed the Senate.

Debate ensued.

#### POINT OF INQUIRY

Senator Washington. "Mr President and members of the Senate, although I think we have worked out our differences, the only way to get the matter into the record was to bring up the motion for reconsideration so that I could ask Senator Talley some questions and have them in the record.

"Senator Talley, you and I both talked to Lou Holcomb, the manager of the Washington Ports Association and it is my understanding that he clearly stated that in a situation such as we have in Grant county, where there are some ten or eleven different port districts but a large section of the county is still not organized and a part of any port district, that the unorganized portion could petition to be annexed to any one of the existing contiguous port districts, is that right?"

Senator Talley. "That is correct, Senator Washington."

Senator Washington. "And also that an existing port district could also petition for the enlargement of its port district by the annexation of additional territory."

Senator Talley: "That is also correct."

Senator Washington: "A third situation where there are a number of districts which are organized within the county that, after the passage of this act, it will not require any change on the part of those districts but would only affect the organization of districts in the future."

Debate ensued.

#### POINT OF INQUIRY

Senator Mardesich. "Mr President, that may well be the intent but I would like to call your attention to a reading of the act itself and there is no prohibition against one port district or a new port district being formed encompassing all port districts as I read that thing, I do not know what Mr. Holcomb said."

Senator Washington. "Perhaps I could answer that. The amendment in this case only affects the organization of new port districts. That there still remains untouched in the act, according to Mr. Holcomb, those provisions in the statute which provide for the annexation by the action of an existing port district or for annexation on the action of persons outside of a port district."

The motion for reconsideration by Senator Washington carried.

## MOTION

On motion of Senator Washington, reconsideration of the vote by which the Senate passed House Bill No. 88 was ordered held for Tuesday, March 9, 1971

ENGROSSED HOUSE BILL NO. 720, by Representatives Charette, Harris, Rosellini, Hubbard and Curtis:

Establishing a statute of limitations for medical malpractice.

The bill was read the second time by sections.

On motion of Senator Day, the following amendment was adopted:

On page 1, section 1, line 10, after "18 57 RCW," insert "chiropractor licensed under RCW 18.25,"

On motion of Senator Woodall, the rules were suspended, Engrossed House Bill No. 720, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 720, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39, excused, 10

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Ellicker, Fleming, Foley, Gardner, Greive, Guess, Henry, Herr, Homan, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Murray, Newschwander, Odegaard, Ridder, Sandison, Scott, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall - 39

Excused: Senators Durkan, Francis, Gissberg, Huntley, Matson, Metcalf, Peterson (Lowell), Peterson (Ted), Stender, Stortini - 10.

ENGROSSED HOUSE BILL NO. 720, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich served notice that he would, at the proper time move that the Senate reconsider the vote by which Engrossed House Bill No. 720, as amended by the Senate, passed the Senate.

## MOTION

On motion of Senator Atwood, Engrossed House Bill No. 66 was ordered held on the second reading calendar for Tuesday, March 9, 1971.

ENGROSSED HOUSE BILL NO. 523, by Representatives Marsh, Kopet, Haussler and Bauer,

Authorizing safety awards for county employees.

The bill was read the second time by sections.

On motion of Senator Talley, the rules were suspended, Engrossed House Bill No. 523 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 523, and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney,

Day, Donohue, Dore, Ellicker, Fleming, Foley, Gardner, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Murray, Newschwander, Odegaard, Ridder, Sandison, Scott, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall 39.

Excused: Senators Durkan, Francis, Gissberg, Huntley, Matson, Metcalf, Peterson (Lowell), Peterson (Ted), Stender, Stortini-10.

ENGROSSED HOUSE BILL NO 523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich moved that the Senate reconsider the vote by which Engrossed House Bill No 523 passed the Senate

The motion carried

#### MOTIONS

On motion of Senator Mardesich, the rules were suspended and Engrossed House Bill No. 523 was returned to second reading.

On motion of Senator Mardesich, Engrossed House Bill No 523 was ordered placed on the second reading calendar for Tuesday, March 9, 1971

On motion of Senator Bailey, the Senate returned to the sixth order of business

On motion of Senator Bailey, the following resolution was unanimously adopted

#### SENATE RESOLUTION. 1971-23

By Senator Bailey:

WHEREAS, The Ocosta Wildcats have been ranked the State Class A poll leader throughout this past basketball season; and

WHEREAS, The Wildcats proved that they deserve such rating by besting all teams in the recent State Class A basketball tourney held in Tacoma, and

WHEREAS, The play of all members of the Wildcats team brought the coveted Class A hoop title home to Ocosta; and

WHEREAS, The performances of Glen White, Tracy Colard, Phil Merino, and Bob Brookhoff, all Ocosta players, were judged so outstanding that they were given all-tourney honors.

NOW, THEREFORE, BE IT RESOLVED, That the Senate congratulates the Ocosta Wildcats and their coach, Del Dungey, for their recent State Class A basketball championship and commends them for their victorious basketball season.

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to each member of the Ocosta basketball team, to their coach, and to the principal of the Ocosta High School

#### MOTION

At 3:00 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Tuesday, March 9, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



## FIFTY-EIGHTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, March 9, 1971.

The Senate was called to order at 11 00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Huntley and Stender. On motion of Senator McDougall, Senators Huntley and Stender were excused.

The Color Guard, consisting of Pages Robin Jasman, Color Bearer, and Jerry Fntz presented the Colors Reverend Arthur Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered prayer as follows.

"Almighty God, our heavenly Father, having chosen us to be Thy children and called us to be a great nation and commissioned us to a great task and promised grace sufficient for the day, may Thy Spirit indwell the members of this legislative body this day that they may have power to live and labor as Thy servants in the affairs of this State Give them deep insight into the complexities of the legislation to be enacted and then the high courage of their convictions, through Jesus Christ our Lord. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## PERSONAL PRIVILEGE

Senator Wilson: "I am addressing this brief message to you, Lieutenant Governor Cherberg. At the end of each session here the members on both sides of the aisles arise to applaud your fairness and your competency in presiding over this body. We offer little in exchange to you but today we would like to try to do that. We would like to be of some help to you. Now it is frequently your honor and privilege during the session to do exactly what you have now been doing, to introduce a group who is seated in the galleries here and also to introduce their home Senator from the floor. And I think the problem you are encountering, Lieutenant Governor Cherberg is that normally when you introduce the Senator from the floor you refer to him as the distinguished and honorable Senator from King county or the distinguished and honorable Senator from Pierce county and I am sure it becomes difficult for you with so many hundreds of introductions to make to arrive at a greater variety of adjectives and we would like to help you in that respect. We have prepared for you, Mr. Lieutenant Governor, a directory entitled 'An All Purpose Senatorial Identification Catalog Prepared Especially For Introductions Made By Lieutenant Governor John A. Cherberg.' And I think if you will employ this directory properly, you will be able to arrive at even more colorful and accurate descriptions of the members of the Senate whom you are called upon to introduce. Instead of everybody being distinguished and honorable, you may now introduce the estimable, exemplary, uncompromising and statesmanlike Senator from King county; or the witty, competent, conciliatory, debonair, and eloquent Senator from Pierce county. And should you wish to carry this one further step, Lieutenant Governor Cherberg, and really be honest in your appraisals of the members of this body, we have appended a second list which is even more lengthy than the first containing such words, if you choose to employ them, as bumptious, glib, mediocre, treacherous, evil minded, impetuous, vindictive or barbaric. Both lists are arranged in alphabetical order for your use and convenience and it is now my pleasure to present this All Purpose Senatorial Identification Catalog to you on behalf of all of the celebrated, circumspect, enterprising, indispensable, pleasant, talented and vivacious members of the Washington State Senate."

## PRESIDENT'S PRIVILEGE

The President: "The trucking, treacherous, repugnant, degenerate Senators, ladies and gentlemen, it is only fair to say that the President is overwhelmed, especially in view of the fact that he has felt for some time, exactly fifty-eight days, that the superlatives have been a little stereotyped and rather prosaic. This is due to the fact that the President lost a similar list that did not contain such words as grotesque, hairbrained, demented, dyspeptic, stupid and stodgy. There are a number of complimentary words that I plan to use but several that I question rather seriously. I remember on one occasion I described Senator Gissberg as being an erudite member but unfortunately Senator Gissberg knew the meaning of erudite which was rather something of a conflict, in one sense erudite meant very intelligent and in another sense quite stupid. Is that not right, Senator? Do you recall the occasion, Senator Gissberg?"

Senator Gissberg: "As Representative Juelling said, the term 'a dumb Swede' is redundant."

The President: "But this is an invaluable gift, Senator Wilson, and I hope that you will please thank your lovely bride for her contribution. Thus will join numerous other charts that I have that I hope will keep me out of trouble. Thank you ever so much."

## REPORTS OF STANDING COMMITTEES

March 9, 1971.

SENATE CONCURRENT RESOLUTION NO. 12, providing for a study of ecology curricula (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Murray, Odegaard, Ridder, Washington

Passed to Committee on Rules and Joint Rules for second reading.

March 9, 1971.

ENGROSSED HOUSE BILL NO. 86, reorganizing powers, duties and functions within intermediate school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

March 8, 1971

ENGROSSED HOUSE BILL NO. 133, providing for control by the boundary review boards of certain action by cities, towns, or special purpose districts (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Elicker, Fleming, Mardesich, Peterson (Ted), Ridder, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 8, 1971.

ENGROSSED HOUSE BILL NO. 158, consolidating state-wide city employees' retirement system with the Washington public employees' retirement system (reported by Committee on Public Pensions and Social Security):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman, Clarke, Day, Herr, Holman, Murray.

Passed to Committee on Rules and Joint Rules for second reading.

March 8, 1971.

HOUSE BILL NO. 173, enabling endowment of the state capitol historical association (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Day, Elicker, Gardner, Jolly, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.

March 8, 1971.

HOUSE BILL NO. 208, fiscal agencies, technical changes (reported by Committee on State Government):

MAJORITY recommendation. Do pass.  
Signed by: Senators Walgren, Chairman; Day, Ellicker, Gardner, Jolly,  
Newschwander  
Passed to Committee on Rules and Joint Rules for second reading

March 8, 1971.

HOUSE BILL NO. 242 providing elections officials instruction in use of voting devices and setting minimum pay for election officials (reported by Committee on Cities, Towns and Counties).  
MAJORITY recommendation: Do pass.  
Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Dore, Ellicker, Fleming, Mardesich, Peterson (Ted), Ridder, Talley, Walgren, Wilson.  
Passed to Committee on Rules and Joint Rules for second reading.

March 8, 1971

HOUSE BILL NO. 250, permitting school directors to petition for annexation of school property to city or town (reported by Committee on Cities, Towns and Counties)  
MAJORITY recommendation. Do pass  
Signed by Senators Connor, Chairman; Stortini, Vice Chairman, Canfield, Clarke, Dore, Ellicker, Fleming, Mardesich, Peterson (Ted), Ridder, Walgren, Whetzel, Wilson  
Passed to Committee on Rules and Joint Rules for second reading

March 8, 1971.

ENGROSSED HOUSE BILL NO. 251, providing that a mailed tax notice can serve to give information required on tax payment receipt (reported by Committee on Cities, Towns and Counties):  
MAJORITY recommendation: Do pass.  
Signed by Senators Connor, Chairman; Stortini, Vice Chairman Canfield, Clarke, Ellicker, Fleming, Mardesich, Peterson (Ted), Ridder, Talley, Walgren, Wilson  
Passed to Committee on Rules and Joint Rules for second reading.

March 8, 1971.

ENGROSSED HOUSE BILL NO. 322, authorizing school districts to lease school buses for the use of retarded children (reported by Committee on Education).  
MAJORITY recommendation: Do pass.  
Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard, Washington.  
Passed to Committee on Rules and Joint Rules for second reading.

March 8, 1971.

ENGROSSED HOUSE BILL NO. 337, requiring notice to owners of adjoining land when real property of an irrigation district is sold (reported by Committee on Cities, Towns and Counties).  
MAJORITY recommendation: Do pass.  
Signed by: Senators Connor, Chairman; Stortini, Vice Chairman, Canfield, Clarke, Dore, Ellicker, Fleming, Mardesich, Peterson (Ted), Ridder, Talley, Walgren, Whetzel, Wilson.  
Passed to Committee on Rules and Joint Rules for second reading.

March 8, 1971.

HOUSE BILL NO. 1031, providing for retirement of certain public employees prior to age seventy under certain conditions and on certain dates (reported by Committee on Public Pensions and Social Security):  
MAJORITY recommendation: Do pass.  
Signed by: Senators Fleming, Chairman; Clarke, Day, Holman, Odegaard.  
Passed to Committee on Rules and Joint Rules for second reading.

## MESSAGES FROM THE HOUSE

March 9, 1971

Mr President The Speaker has signed  
HOUSE BILL NO. 108,  
HOUSE BILL NO. 118,  
HOUSE BILL NO. 220,  
HOUSE BILL NO. 234,

HOUSE BILL NO. 405,  
HOUSE BILL NO. 552,  
and the same are herewith transmitted, MALCOLM McBEATH, Chief Clerk.

March 8, 1971.  
Mr. President: The House has adopted ENGROSSED HOUSE CONCURRENT  
RESOLUTION NO. 24, and the same is herewith transmitted MALCOLM McBEATH,  
Chief Clerk.

March 8, 1971  
Mr. President: The House has passed.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 157,  
SENATE BILL NO. 244,  
SUBSTITUTE SENATE BILL NO. 390,  
and the same are herewith transmitted, MALCOLM McBEATH, Chief Clerk.

March 8, 1971.  
Mr. President: The House has passed:  
ENGROSSED SENATE BILL NO. 40,  
ENGROSSED SENATE BILL NO. 122,  
ENGROSSED SENATE BILL NO. 141,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 142,  
ENGROSSED SENATE BILL NO. 143,  
SENATE BILL NO. 150,  
ENGROSSED SENATE BILL NO. 177,  
and the same are herewith transmitted, DONALD R. WILSON, Assistant Chief Clerk.

March 8, 1971.  
Mr. President. The House has concurred in the Senate amendments to  
ENGROSSED HOUSE BILL NO. 157 and has passed the bill as amended by the  
Senate.

DONALD R. WILSON  
Assistant Chief Clerk.

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 24, by Representative  
Bledsoe.

Extending time for the consideration of bills.

On motion of Senator Bailey, the rules were suspended, Engrossed House  
Concurrent Resolution No. 24 was advanced to second reading and read the second  
time in full.

On motion of Senator Bailey, the following amendments were adopted:

On line 17, strike "Thursday" and insert "Wednesday" and strike "eleventh" and  
insert "tenth".

On line 18 strike "sixtieth" and insert "fifty-ninth".

On motion of Senator Bailey, the rules were suspended, Engrossed House  
Concurrent Resolution No. 24, as amended by the Senate, was advanced to third  
reading, the second reading considered the third, and the resolution was adopted.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 40,  
SENATE BILL NO. 122,  
SENATE BILL NO. 141,  
SUBSTITUTE SENATE BILL NO. 142,  
SENATE BILL NO. 143,  
SENATE BILL NO. 150,  
SUBSTITUTE SENATE BILL NO. 157,  
SENATE BILL NO. 177,  
SENATE BILL NO. 244,  
SUBSTITUTE SENATE BILL NO. 390,  
HOUSE BILL NO. 108,  
HOUSE BILL NO. 118,

HOUSE BILL NO. 220,  
HOUSE BILL NO. 234,  
HOUSE BILL NO. 405,  
HOUSE BILL NO. 558.

### MOTION

On motion of Senator Greive, Senate Joint Resolution No. 22 was ordered to hold its place on the second reading calendar for Wednesday, March 10, 1971.

### SECOND READING

HOUSE BILL NO. 41, by Representatives Wojahn, Kirk, Sawyer, Kiskaddon, Adams, Charnley, Gallagher, Kilbury, King, Marsh, Martinis, McCormick, Van Dyk and Wolf.

Requiring that bacon be packaged so that the quality and degree of leanness may be ascertained.

### REPORT OF STANDING COMMITTEE

February 17, 1971

HOUSE BILL NO. 41, requiring that bacon be packaged so that the quality and degree of leanness may be ascertained (reported by Committee on Commerce and Regulatory Agencies).

MAJORITY recommendation: Do pass with the following amendment

On page 1, section 1, line 7, after "bacon" and before "shall" insert "other than that packaged in cans" and on line 8, after "only" and before "in packages" insert "at retail"

Signed by: Senators Mardesich, Chairman, Andersen, Clarke, Dore, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, Knoblauch, Stortini, Twigg, Walgren.

The bill was read the second time by sections.

On motion of Senator Ridder, the committee amendment was adopted.

Senator Woodall moved adoption of the following amendment:

On page 2, line 3, add the following: "This act shall not apply to any product packaged in plants operating under federal meat inspection."

### POINT OF INQUIRY

Senator Donohue: "Would Senator Woodall yield? Senator, isn't it true today that the packers within the state of Washington, if they are complying with the federal Wholesome Meat Act, which we adopted in 1969, are under inspection of the federal meat people at this time?"

Senator Woodall: "Yes, they are under inspection by federal people."

Senator Donohue: "Then wouldn't it be true that if we adopted this amendment that those people who are packaging bacon within the state of Washington would not have to comply with this proposed statute?"

Senator Woodall: "They do not have to comply with it, whether you adopt my amendment or not. The only difference is whether you want them to go into court first because the law plainly states what we can and cannot do. That is the reason for the amendment. It was merely to prevent a lawsuit."

Debate ensued

### POINT OF INQUIRY

Senator Fleming: "Would Senator McDougall yield? Senator, you indicated about fifteen percent represents the small packers. Isn't it a fact that most of those if not all of them are subsidiaries of the possible big packers?"

Senator McDougall: "No, I do not believe so. For example, Senator Fleming, I am aware of a small meat packing firm in my own town which puts up a two-pound package. Of course, we were dealing pretty specifically in displaying bacon with one-pound packages. I think you were at the meeting at which time this measure was presented, and as I envision it, if you were to try to sell a two-pound package and comply with this law, the package itself would be rather long and lengthy in order to show that particular package of bacon."

Senator Ridder demanded a roll call, and the demand was sustained by Senators Francis, Fleming, Knoblauch, Connor Metcalf, Greive, Donohue, Washington and McDougall.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 12, nays, 32; absent or not voting, 3; excused, 2.

Voting yea Senators Atwood, Canfield, Clarke, Guess, Lewis, McDougall, Matson, Metcalf, Newschwander, Sandison, Scott, Woodall-12.

Voting nay Senators Andersen, Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Herr, Holman, Joly, Keefe, Knoblauch, Mardesich, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson-32

Absent or not voting: Senators Henry, McCutcheon, Talley-3.

Excused Senators Huntley, Stender 2.

Senator Mardesich moved adoption of the following amendment:

On page 1, section 1, line 8, after "sold" insert "within the state of Washington"

Debate ensued.

The motion carried and the amendment was adopted.

#### POINT OF INQUIRY

Senator Metcalf: "Would Senator Woodall yield to a question? Senator, as I understood the federal law that you read, am I not correct that by the very virtue of the federal law and a lawsuit which would follow this, can we then exclude specifically, can we set meat packaging standards that come in interstate commerce into our state?"

Senator Woodall: "We can pass it. It will be good until someone takes it to court. In my opinion the courts will throw it out. In the opinion of 'Judge' Ridder, the courts would not."

On motion of Senator Ridder, the rules were suspended, House Bill No. 41, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 41, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 8; absent or not voting, 2; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson-37.

Voting nay: Senators Canfield, Clarke, Guess, McDougall, Matson, Metcalf, Newschwander, Woodall-8.

Absent or not voting: Senators McCutcheon, Talley-2.

Excused: Senators Huntley, Stender-2.

HOUSE BILL NO. 41, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Ridder, House Bill No. 41, as amended by the Senate, was ordered immediately transmitted to the House.

HOUSE BILL NO. 172, by Representatives Flanagan, Kiskaddon and Haussler (by departmental request)

Restoring tax statutes based on passage of HJR 42 to previous status

The Senate resumed consideration of House Bill No. 172 and the pending amendment by Senators Holman and Atwood held from Monday, March 8, 1971.

## MOTIONS

On motion of Senator Atwood, there being no objection, the pending amendment was withdrawn.

Senator Atwood moved adoption of the following amendment by Senators Holman and Atwood

Beginning on page 15, line 3 strike all of sections 13 and 14 and renumber the remaining sections consecutively

On page 19, following renumbered section 14, insert the following new sections.

**NEW SECTION** Sec. 15. For purposes of section 16 of this act

(1) "Deferrable taxes" shall mean that portion of real property taxes due and payable on or before October 31, 1971 pursuant to RCW 84.56.020.

(2) "Qualified residence" shall mean a single family dwelling, with respect to which the taxes due and payable in 1971 have increased by sixty percent or more over those due and payable in 1970, owned on January 1, 1971 and regularly occupied during 1970 by a qualified taxpayer, said dwelling to include the land on which the dwelling stands not to exceed one acre. **PROVIDED, HOWEVER,** That for purposes of this subsection a residence owned by a marital community shall be deemed to be owned by each spouse.

(3) "Qualified taxpayer" shall mean a person whose total income in 1970, from all sources whatsoever, together with the total income of his or her spouse for the same year, if any, did not exceed four thousand dollars.

**NEW SECTION** Sec. 16. Solely for purposes of computing interest on delinquent taxes, and notwithstanding the provisions of RCW 84.56.020, the deferrable taxes imposed upon a qualified residence shall be considered to be due and payable on or before October 31, 1974.

**NEW SECTION.** Sec. 17. Claims for qualification under section 16 of this act shall be made on or before October 31, 1971, and in the manner and upon forms prescribed by the department of revenue. The department is hereby directed to publicize through newspapers, radio or television advertisements the rights conferred under this act, the qualifications therefor, and the manner of making claims therefor.

**NEW SECTION** Sec. 18. There is added to chapter 10, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows.

A person shall be exempt from any legal obligation to pay a percentage of the amount of real property taxes due and payable in any one year as the result of the levy of additional taxes in excess of the limitation upon levies provided for in RCW 84.52.050 through 84.52.056 and Article VII, section 2 of the state Constitution, as amended, in accordance with the following conditions:

(1) The property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the two calendar years preceding the year in which the exemption claim is filed or the property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the preceding calendar year and the person claiming the exemption must also have been a resident of the state of Washington for the last three calendar years preceding the year in which the claim is filed.

(2) The person claiming the exemption must have owned, at the time of filing, in fee, by contract purchase, or by deed of trust, the residence on which the property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community shall be deemed to be owned by each spouse.

(3) The person claiming the exemption must have been sixty-two years of age or older on January 1st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability.

(4) No person who, during the preceding calendar year, has regularly occupied the residence on which the taxes have been imposed shall have received during the preceding calendar year any earnings of the type and amount which would cause any deduction from social security benefits for a recipient of such benefits pursuant to 42 U.S.C. 403 as in effect on the effective date of this 1971 act.

(5) The amount that the person shall be exempt from an obligation to pay shall

be calculated, on the basis of the combined income, from all sources whatsoever, of the person claiming the exemption and his or her spouse for the preceding calendar year, in accordance with the following schedule.

Income Range	Percentage of Excess Levies Exemption
\$3,000 or less	One hundred percent
\$3,001 - \$4,000	Seventy-five percent
\$4,001 - \$5,000	Fifty percent
\$5,001 - \$6,000	Twenty-five percent

PROVIDED, HOWEVER, That a person within the income range of \$3,000 or less shall receive an exemption of no less than the first \$100.00 of taxes due and payable.

NEW SECTION, Sec. 19. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows.

For the purposes of section 18 of this act:

(1) The term "residence" shall mean a single family dwelling, including the land on which the dwelling stands not to exceed one acre. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080, 84.04.090 or RCW 84.40.250, such a residence shall be deemed real property.

(2) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.

All claims for exemption shall be made and signed by the person entitled to the exemption, by his or her attorney in fact or in the event the residence of such person is under mortgage or purchase contract requiring accumulation of reserves out of which the holder of the mortgage or contract is required to pay real estate taxes, by such holder, either before a notary public or the county assessor or his deputy in the county where the real property is located. Any person signing a false claim shall be subject to perjury.

Claims for exemption under section 18 of this act shall be made annually and filed between January 2 and July 1 of the year in which the property tax levies are imposed and solely upon forms as prescribed and furnished by the department of revenue.

Sec. 20 Section 84.69.020, chapter 15, Laws of 1961 as amended by section 1, chapter 224, Laws of 1969 ex. sess. and RCW 84.69.020 are each amended to read as follows:

On order of the board of county commissioners or other county governing authority designated by charter, ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once; or
- (2) Paid as a result of manifest error in description; or
- (3) Paid as a result of a clerical error in extending the tax rolls; or
- (4) Paid as a result of other clerical errors in listing property; or
- (5) Paid with respect to improvements which did not exist on assessment date

or

(6) Paid under levies or statutes adjudicated to be illegal or unconstitutional, or  
 (7) Paid as a result of mistakes, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to [RCW 84.36.128. PROVIDED, That a claim for such refund is made on or before October 30 of the year for which the taxes have been paid] section 18 of this 1971 amendatory act; or

(8) Overpaid as a result of mistake, inadvertence, or lack of knowledge by any person paying the same: PROVIDED, That a claim for such refund is made on or before October 30 of the year for which the taxes have been overpaid; or

(9) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board. PROVIDED, That the amount refunded shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order.

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsection (9).

Sec. 21 Section 84.41.030, chapter 15, Laws of 1961 and RCW 84.41.030 are each amended to read as follows:

[Each county assessor shall commence, immediately if possible, but no later than January 1, 1966, a comprehensive program of revaluation of all taxable property within his respective county. Such program shall progress at a rate which will result in the revaluation of all taxable property within the county before June 1, 1966.] Each county assessor shall [thereafter] maintain an active and systematic program of revaluation on a continuous basis, and shall establish a revaluation schedule which will result in revaluation of all taxable real property within the county at least once each four years. [A copy of such schedule shall be filed by each assessor with the tax commission before October 15, 1966.]

Sec. 22. Section 84.41.040, chapter 15, Laws of 1961 and RCW 84.41.040 are each amended to read as follows.



Each county assessor shall cause real property being valued to be physically inspected [and shall require such examination as will] *at least once every four years in order to provide adequate data from which to make accurate valuations.* [Property which may have been revalued after physical examination by the assessor subsequent to May 31, 1954, shall be considered to have been revalued pursuant to the requirements of this chapter.] *During the intervals between each physical inspection of real property, the valuation of such property may be adjusted to its current true and fair value, such adjustments to be based upon appropriate statistical data.*

NEW SECTION Sec. 23. There is added to chapter 84.48 RCW a new section to read as follows:

The board of equalization shall reconvene on the first Monday of August for the purpose of equalizing valuations of real property within the county. Such equalization shall be accomplished in the following manner:

(1) The department of revenue shall certify to the board the ratio of the assessed valuation of locally assessed property in the county to the true and fair value of such property, based upon assessed values established without regard to equalization accomplished pursuant to this section (hereinafter referred to as the "tentative county indicated ratio"). The department shall also certify the ratio of the assessed valuation of locally assessed property in those geographical areas in the county which have been revalued pursuant to a cyclical revaluation program approved by the department of revenue to the true and fair value of such property (hereinafter referred to as the "revaluation ratio"). The board shall review the revaluation ratio so certified, and may accept, reject, or modify the ratio.

(2) If the revaluation ratio, as determined by the board, exceeds one hundred and ten percent of the tentative county indicated ratio, the board shall order the assessor, in accordance with the provisions of section 22 of this act, to reduce by a uniform percentage the true and fair values of real property within the geographical areas covered by the revaluation ratio by a uniform percentage such that the revaluation ratio shall equal the tentative county indicated ratio. For the purpose of administrative convenience, such reductions may be accomplished, in lieu of actual changes in the assessment rolls, by the assessor certifying to the treasurer the percentage adjustment for the geographical areas involved, on the basis of which the treasurer shall adjust the amount of taxes otherwise payable.

(3) For purposes of this section the geographical areas covered by the revaluation ratio shall include the whole of any school district in which eighty percent or more of the parcels have been revalued pursuant to a cyclical revaluation program approved by the department of revenue.

Sec. 24 Section 84.48.080, chapter 15, Laws of 1951 and RCW 84.48.080 are each amended to read as follows:

[The members of the tax commission shall constitute the state board of equalization; the chairman of the tax commission shall be the president of the board, and the secretary of the tax commission shall be the secretary thereof. The board shall remain in session not to exceed thirty days; it may adjourn from day to day, and employ such clerical assistance as may be deemed necessary to facilitate its labors. The board shall meet annually on the first day after the first day of August, Saturdays, Sundays and holidays excepted, at the office of the tax commission, and] *Annually during the month of August, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the [tax commission] department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.*

First. (They) *The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal [and uniform], so far as possible, to the true and fair value of such class as of January 1st of the current year [in every part of the state,] for the purpose of ascertaining the just amount of tax due from each county for state purposes. Such classification may be on the basis of types of property, geographical areas, or both.*

Second. The [secretary] *department shall keep a full record of [the] its proceedings [of the board,] and the same shall be published annually by the [state tax commission] department.*

Third. [They] *The department shall have authority to adopt the rules and regulations [for the government of the board, and] to enforce obedience to its orders in all matters in relation to the returns of county assessments, and the equalization of values by [said board] the department.*

The [state board of equalization] *department shall levy the state taxes authorized by law: PROVIDED, That the amount levied in any one year for general state purposes shall not exceed the lawful millage on the dollar of the assessed value of the property of the entire state, which assessed value shall be fifty percent of the true and fair value of such property in money, and shall apportion the amount of tax for state purposes levied by the [board] department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the [board] department.*

[Within three days] After the completion of the duties hereinabove prescribed, the [president and secretary of the board] director of the department shall certify the record of the proceedings of the [board] department under this section the tax levies made for state purposes and the apportionment thereof among the counties, to the state auditor.

**NEW SECTION Sec. 25.** The indicated county ratios determined by the department of revenue for 1970 as adjusted for the purposes of reflecting compliance with chapter 84 41 RCW, are hereby adopted, confirmed, and approved.

**NEW SECTION. Sec. 26.** The amendment or repeal of any statutes by this 1971 amendatory act shall not be construed as invalidating, abating or otherwise affecting any existing right acquired or any liability or obligation incurred under the provisions of the statutes amended or repealed. Such amendment or repeal shall not affect the right of any person to make a claim for exemption during the calendar year 1971 pursuant to RCW 84 36 .28 nor shall the amendment to RCW 84 69 020 affect the right of any person to a refund for taxes paid by any person exempted therefrom pursuant to RCW 84 36 128.

**NEW SECTION. Sec. 27.** As used in this chapter the term "regular property taxes" shall mean the total dollar amount of all property taxes levied for a taxing district except the state of Washington excluding amounts resulting from levies for bond debt retirement and excess levies pursuant to Article VII, section 2 of the Constitution of the state of Washington or RCW 84.52.052 or RCW 84.52.061.

**NEW SECTION Sec. 28.** Except as provided in sections 29, 30, 31 or 32 of this 1971 act, the levy for a taxing district in any year shall be set so that the regular property taxes payable in the following year shall not exceed one hundred six percent of the highest amount of regular property taxes lawfully levied for such district in the three most recent years in which such taxes were levied for such district plus an additional dollar amount calculated by multiplying the increase in assessed value in that district resulting from new construction and improvements to property by the regular property tax levy rate of that district for the preceding year.

**NEW SECTION Sec. 29.** Notwithstanding the limitation set forth in section 28 of this 1971 act, the first levy for a taxing district created from consolidation of similar taxing districts shall be set so that the regular property taxes payable in the following year shall not exceed one hundred six percent of the sum of the highest amount of regular property taxes lawfully levied for each component taxing district in the three most recent years in which such taxes were levied for such district plus the additional dollar amount calculated by multiplying the increase in assessed value in each component district resulting from new construction and improvements to property by the regular property tax rate of each component district for the preceding year.

**NEW SECTION Sec. 30.** For the first levy for a taxing district following annexation of additional property, the limitation set forth in section 28 of this 1971 act shall be increased by an amount equal to (1) the aggregate assessed valuation of the newly annexed property as shown by the current completed and balanced tax rolls of the county or counties within which such property lies, multiplied by (2) the millage rate that would have been used by the annexing unit in the absence of such annexation plus (3) the additional dollar amount calculated by multiplying the increase in assessed value in the annexing district resulting from new constructions and improvements to property by the regular property tax levy rate of that annexing taxing district for the preceding year.

**NEW SECTION. Sec. 31.** If by reason of the operation of RCW 84.52.050, as now or hereafter amended the statutory millage limitation applicable to the levy by a taxing district has been increased over the statutory millage limitation applicable to such taxing district's levy in the preceding year, the limitation on the dollar amount of a levy provided for in this 1971 act shall be increased by multiplying the otherwise dollar limitation by a fraction, the numerator of which is the increased millage limitation and the denominator of which is the millage limitation for the prior year.

**NEW SECTION. Sec. 32.** Subject to any otherwise applicable statutory millage limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in sections 28 through 31 of this 1971 act if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made. The ballot of the proponent shall state the millage rate proposed. After a levy authorized pursuant to this section is made the dollar amount of such levy shall be used for the purpose of computing the limitations for subsequent levies provided for in this 1971 act.

**NEW SECTION Sec. 33.** Sections 27 through 32 are added to chapter 15, Laws of 1961 and to Title 84 RCW, and shall constitute a new chapter therein.

**Sec. 34.** Section 84.52.052, chapter 15, Laws of 1961 as amended by section 1, chapter 113, Laws of 1963 ex. sess. and RCW 84.52.052 are each amended to read as follows.

The limitations imposed by RCW 84.52.050 through 84.52.056, or sections 27 through 32 of this 1971 amendatory act, shall not prevent the levy of additional taxes, not in excess of five mills a year and without anticipation of delinquencies in payment of taxes in an amount equal to the interest and principal payable in the next succeeding year on general obligation bonds, outstanding on December 6 1934, issued by or through the agency of the

state, or any county, city, town, or school district, or the levy of additional taxes to pay interest on or toward the reduction, at the rates provided by statute, of the principal of county, city, town, or school district warrants outstanding December 6, 1932; but this millage limitation with respect to general obligation bonds shall not apply to any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.066, when authorized so to do by the electors of such county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town by a three-fifths majority of those voting on the proposition at a special election to be held in the year in which the levy is made, and not oftener than twice in such year, in the manner provided by law for holding general elections, at such time as may be fixed by the body authorized to call the same, which special election may be called by the board of county commissioners, board of school directors or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes," and those opposed hereto to vote "No." PROVIDED That the total number of persons voting at such special election must constitute not less than forty percent of the voters in said taxing district who voted at the last preceding general state election. PROVIDED FURTHER, That the total number of persons voting on an excess levy for school district purposes or for fire protection purposes or for cities and towns at any such special election of such districts or of any city or town must constitute not less than forty percent of the voters in such taxing district or in any city or town, as the case may be who voted at the last preceding general election in such district.

**NEW SECTION** Sec. 35. If any provision of this 1971 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining sections consecutively.

On page 19, renumbered section 28, add two new subsections as follows:

"(6) Section 1, chapter 132, Laws of 1967 ex. sess., section 62, chapter 262, Laws of 1969 ex. sess. and RCW 84.36.128, and

(7) Section 3, chapter 8, Laws of 1970 ex. sess. and RCW 84.36.129."

In renumbered section 29, insert the following paragraph.

"Section 16 of this act shall be applicable to claims made in 1971 and subsequent years with respect to taxes due and payable in 1972 and subsequent years."

On page 2 of the title beginning with "amending section 1," in line 1, strike all of the matter down to and including "84.36.129" in line 5 and insert "amending section 84.41.030, chapter 15, Laws of 1961 and RCW 84.41.031, amending section 84.41.040, chapter 15, Laws of 1961 and RCW 84.41.040, amending section 84.48.080, chapter 15, Laws of 1961 and RCW 84.48.080, amending section 84.52.052, chapter 15, Laws of 1961 as last amended by section 1, chapter 113, Laws of 1963 ex. sess. and RCW 84.52.052, amending section 84.69.020, chapter 15, Laws of 1961 as amended by section 1, chapter 224, Laws of 1969 ex. sess. and RCW 84.69.020; adding new sections to chapters 84.36 and 84.48 RCW; creating new sections."

On page 2, line 16 of the title after "ex. sess." and before "and" insert "repealing section 1, chapter 132, Laws of 1967 ex. sess., section 62, chapter 262, Laws of 1969 ex. sess. and RCW 84.36.128, repealing section 3, chapter 8, Laws of 1970 ex. sess. and RCW 84.36.129."

## MOTION

Senator Greve moved that House Bill No. 172 and the pending amendments by Senators Holman and Atwood be referred to the Committee on Ways and Means - Revenue and Taxation.

## POINT OF INQUIRY

Senator Holman "Will Senator Greve yield? Senator, then I take it from what you said that this is not a move just to kill this whole thing for this session?"

Senator Greve: "No, and I would like the record to show that we have this choice. Obviously anyone that can count knows that there are more Democrats here than there are Republicans. We probably could do anything we wanted to do but it really was in the spirit

of sharing the problem with everybody and getting input from everyone and not to put ourselves in the position where we had a three-hour caucus discussing it, then you would have to have a three-hour caucus. We would not know what you were thinking, you would not know what we were thinking, and we obviously would have to thrash out our differences.

"We felt a neutral place, a place where we had a chairman, where we had a formal setup, where Senator Donohue could conduct the meeting, was the proper place to completely discuss this. It is our anxious hope that somehow we are going to solve this problem to the best satisfaction of everybody and that includes Senator Dore."

The motion by Senator Greive carried. House Bill No. 172 and the pending amendments were referred to the Committee on Ways and Means—Revenue and Taxation.

### MOTION

At 12.30 p.m., on motion of Senator Greive, the Senate recessed until 2:00 p.m.

### AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

### SECOND READING

HOUSE BILL NO. 10, by Representatives Brouilket, Bauer and Luders:

Recognizing certain items as evidence of educational competence for public employment.

The Senate resumed consideration of House Bill No. 10 on second reading. The motion for reconsideration by Senator Ridder of the vote by which the Senate passed House Bill No. 10 carried on March 8, 1971. The bill was returned to second reading under suspension of the rules on March 8, 1971.

On motion of Senator Guess, the following amendment was adopted:

On page 1, line 4, after "1," insert "There is added to RCW 41.04 a new section to read as follows:"

On motion of Senator Ridder, the rules were suspended, House Bill No. 10, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 10, as amended by the Senate, and the bill passed the Senate by the following vote. Yeas, 42; absent or not voting, 5; excused, 2.

Voting yea: Senators Anderson, Atwood, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Maisson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortin, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators Bailey, Dore, Durkan, Greive, Mardesich—5.

Excused: Senators Huntley, Stender—2.

HOUSE BILL NO. 10, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 66, by Representatives Bottiger, Harris and Knowles (by Legislative Council request):

Classifying the property rights of persons having an interest in trust principal and persons having an interest in trust income.

## REPORT OF STANDING COMMITTEE

February 26, 1971.

ENGROSSED HOUSE BILL NO. 66, classifying the property rights of persons having an interest in trust principal and persons having an interest in trust income (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 7, section 7, line 23 of the printed bill, being page 7, section 7, line 23 of the engrossed bill, after "which" and before "was" strike "is" and insert "it"

On page 13 of the printed and engrossed bill, add new sections following section 18 to read as follows:

"NEW SECTION. Sec. 19. This act shall take effect on January 1, 1972."

"NEW SECTION. Sec. 20. Sections 1 through 14 of this act entitled the Washington principal and income act shall constitute a new chapter in Title 11 RCW "

Beginning on line 2 of the title, after "apportionment" strike the remainder of the title and insert "by trustees and personal representatives of receipts and expenses among income beneficiaries and remaindermen; to make uniform the law with reference thereto; adding a new chapter to Title 11; repealing section 1, chapter 160, Laws of 1947 and RCW 23 74.010; repealing section 2, chapter 160, Laws of 1947 and RCW 23 74.020 and declaring an effective date."

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Foley, Holman, Twigg, Walgren, Woodall

The bill was read the second time by sections.

On motion of Senator Gissberg, the committee amendments to pages 7 and 13 were adopted.

On motion of Senator Clarke, the following amendments were adopted:

On page 7, section 7, line 26 of the printed bill, being line 24 of the engrossed bill, after "income," strike "The" and insert "Except as otherwise provided in section 4(4), the"

On page 10, section 12(3), line 10 of the printed bill, being line 8 of the engrossed bill, after "(3)," strike "An" and insert "Except as otherwise provided in section 4(4), an"

On motion of Senator Atwood, the following amendments were adopted

On page 8, section 8, line 7, of the printed bill, being line 5 of the engrossed bill, after "section 2" strike "(1)(c)"

On page 9, section 10, line 14 of the printed bill, being line 12 of the engrossed bill, after "section 2" strike "(1)(c)"

On page 12, section 14, line 17 of the engrossed bill, being line 19 of the printed bill, after "incurred" insert "on or" and after "by" insert "the estate of any decedent dying on or after the effective date of this act or by", and on line 17 of the engrossed bill, being line 19 of the printed bill, after "trust" strike "or decedent's estate"

On motion of Senator Gissberg, the committee amendment to the title was adopted.

On motion of Senator Gissberg, the rules were suspended, Engrossed House Bill No. 66, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Gissberg: "Would Senator Gardner yield? Did you straighten out your problems that you had in connection with this bill?"

Senator Gardner: "Mine are straightened out at this point."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 66, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yeas: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis Gardner, Gissberg, Guess, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Grewe, Henry, McCutcheon—3

Excused: Senators Huntley, Stender—2.

ENGROSSED HOUSE BILL NO. 66, as amended by the Senate, having received the

constitutional majority, was declared passed There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 523, by Representatives Marsh, Kopet, Haussler and Bauer:

Authorizing safety awards for county employees.

The Senate resumed consideration of Engrossed House Bill No. 523 on second reading.

On motion of Senator Mardesich, the following amendment was adopted.

On page 1, section 1, line 16, after "made" and before "from" insert the word "annually"

On motion of Senator Talley, the rules were suspended, Engrossed House Bill No. 523, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 523, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Ellicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Waigren, Washington, Wilson, Woodall—45

Voting nay Senator Whetzel—1.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Huntley, Stender—2.

ENGROSSED HOUSE BILL NO. 523, as amended by the Senate, having received the constitutional majority, was declared passed There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 298, by Representatives Wanamaker, Douthwaite, Cunningham, Conway and Hoggins (by departmental request)

Providing for tire standards.

The Senate resumed consideration of Engrossed House Bill No. 298 on second reading.

Senator Washington moved adoption of the following amendment by Senators Peterson (Lowell) and Washington.

On page 3, section 3 line 24, after "misdemeanor" and before the period insert "PROVIDED, HOWEVER, That if the violation relates to items (1) to (6) inclusive of this section that the condition or defect must be such that it can be detected by a visual inspection of tires mounted on vehicles, including visual comparison with simple measuring gauges"

#### POINT OF INQUIRY

Senator Peterson (Lowell). "I think that your amendment probably takes care of the problem that I can foresee in this particular language but for the benefit of the body, one of the most common methods of repairing a tire is a plug that would be inserted and come out on top of the tire at the tread depth. It would be visible but it does not necessarily mean that it would be a defect or defective repair because this is one of the most commonly used methods of repairing tires today.

"To clarify the intent of this legislation, would this be construed as a boot and put somebody in violation of the act."

Senator Washington "You are correct. It would not be construed as being a boot. In order to answer your question, I checked with the office of Dewitt Whitman of the Vehicle Safety Commission and he tells me that the method of repair which you have shown is known as a plug. In other words, it has a more or less round base and a plug something like the stem on the letter T which goes up into the hole and then with material which is adhesive, it sticks on the underside of the tire. This is a recognized and proper method of repair. It is not considered a boot. It is not considered a defect."

## POINT OF INQUIRY

Senator Gless: "Would Senator Peterson yield? Senator, looking at the last two lines of the amendment offered by Senator Washington and yourself, will you explain the terms 'including visual comparison with simple measuring gauges' What gauges and what are you talking about visual comparison of a gauge?"

Senator Peterson (Lowell): "Senator, what this refers to in the tire industry, tire tread depth is measured by thirty-seconds of an inch. Most of them will run normally between eleven thirty-seconds and fourteen thirty-seconds on new tread. Tires are adjusted on the basis of tread depth remaining if a tire is defective or found to be defective while in service. Practically every service station and garage in the state has a simple little tread depth gauge with which they measure depth and the visual part about it refers to using the tread depth measurement and that is all it is."

Senator Gless: "Senator Peterson, what I was really wondering is how are you going to determine a defect up above in the body, it says that the condition or defect must be such that it can be detected by visual inspection."

Senator Peterson (Lowell): "My whole purpose in raising this issue and holding this bill over was having been in the tire business for a number of years, it is possible that a tire on the interior can have a defect in it and bulge on the inside and it would not be noticeable on the outside. Certainly you would not want to convict somebody of a misdemeanor for selling a vehicle with a tire of this nature on it."

The motion carried and the amendment by Senators Peterson (Lowell) and Washington was adopted.

On motion of Senator Washington, the rules were suspended, Engrossed House Bill No. 298, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 298, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36, nays, 8; absent or not voting, 3; excused, 2.

Voting yea: Senators Andersen, Atwood, Bauey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Francis, Gardner, Greive, Henry, Herr Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Walgren, Washington, Whetzel, Wilson. 36.

Voting nay: Senators Fleming, Gissberg, Guers, Mardesich, Metcalf, Newschwander Talley, Woodall. 8.

Absent or not voting: Senators McCutcheon, Matson, Twigg—3.

Excused: Senators Huntley, Stender—2.

ENGROSSED HOUSE BILL NO. 298, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Talley, House Bill No. 88 was ordered held on the third reading calendar for Wednesday, March 10, 1971.

There being no objection, the Senate returned to the fourth order of business.

## MESSAGE FROM THE HOUSE

March 8, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 241 with the following amendment:

On page 2, section 6, line 8 after "association" strike "from a list of nominees submitted by the legislative committee of the Washington state bar association", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Holman, the Senate concurred in the House amendment to Engrossed Senate Bill No. 241.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 241, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators McCutcheon, Matson—2.

Excused: Senators Huntley, Stender—2.

ENGROSSED SENATE BILL NO. 241, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 8, 1971

Mr. President: The House has passed SENATE BILL NO. 266 with the following amendments:

On page 1, line 1 of the title after "education;" strike "and"

On page 1, line 3 of the title after "28A 68 107" insert ", and declaring an emergency"

On page 2, following section 1, add a new section reading:

"NEW SECTION Sec. 2. This 1971 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions, and shall take effect immediately."

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk

## MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Senate Bill No. 266.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 266, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—44.

Absent or not voting: Senators Atwood, McCutcheon, Whetzel—3.

Excused: Senators Huntley, Stender—2.

SENATE BILL NO. 266, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.



## JOURNAL OF THE SENATE

## MESSAGE FROM THE HOUSE

March 8, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 447 with the following amendment:

On page 1, section 1, line 14 after "court" insert "*and court of appeals*", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk

## MOTION

On motion of Senator Gissberg, the Senate concurred in the House amendment to Engrossed Senate Bill No. 447

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 447, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Ellicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keesee, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45

Absent or not voting: Senators Atwood, McCutcheon—2.

Excused: Senators Huntley, Stender—2.

ENGROSSED SENATE BILL NO. 447 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 2, 1971

Mr. President: The House has passed SENATE BILL NO. 131 with the following amendments:

On page 1, section 1, line 14 after "flour," strike "but excludes" and insert "[but excludes] including"

On page 2, section 2, line 18 after "enriched" strike "white"

On page 2, section 2, beginning on line 19 after "thereof" strike all the matter down to and including "section" on line 21, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk

## MOTION

On motion of Senator Day, the Senate refused to concur in the House amendments to Senate Bill No. 131 and asks the House to recede therefrom.

## MESSAGES FROM THE HOUSE

March 9, 1971.

Mr. President: The Speaker has signed:

SENATE BILL NO. 40,

SENATE BILL NO. 122,

SENATE BILL NO. 141,

SUBSTITUTE SENATE BILL NO. 142,

SENATE BILL NO. 143,

SENATE BILL NO. 150,

SUBSTITUTE SENATE BILL NO. 157,

SENATE BILL NO. 177,

SENATE BILL NO. 244,

SUBSTITUTE SENATE BILL NO. 390,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk

March 8, 1971  
Mr. President. The Speaker has signed HOUSE BILL NO. 157, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

At 3.00 p.m., on motion of Senator Greive, the Senate adjourned until 11.00 a.m., Wednesday, March 10, 1971

JOHN A. CHERBERG, President of the Senate.  
SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-NINTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, March 10, 1971.

The Senate was called to order at 11 00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Cooney and Gardner. On motion of Senator Keefe, Senators Cooney and Gardner were excused.

The Color Guard, consisting of Pages Kurt Larsen, Color Bearer, and Wendy Hughes, presented the Colors. Reverend Arthur Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered prayer as follows:

"O God, whose smile is in the sky, whose path is in the sea, once more from earth's tumultuous strife, we gladly turn to Thee.

"Before the tensions and the pressures and the frustrations of another day move in upon us, we would take our bearings, O Lord, from Thy light and Thy truth. Instill within us an abiding sense of Thy presence and an increasing awareness of our responsibility toward Thee, our state, and our fellowmen. Guide and direct, we pray Thee, our senators this day in the performance of their tasks; for Thine is the kingdom and the power and the glory forever. Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

March 9, 1971.  
SENATE BILL NO. 308, providing veterans with public employment preferences (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs):  
MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Canfield, Darkan, Henry, Jolly, Lewis, Mardesich, Murray, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 5, 1971.

SENATE BILL NO 485, relating to advertising (reported by Committee on Commerce and Regulatory Agencies)

MAJORITY recommendation: Do pass.

Signed by: Senators Mardesich, Chairman, Cooney, Day, Foley, Gardner, Gissberg, Hundley, Keefe, Knoblauch, McDougall, Peterson (Lowell), Stortini, Twigg.

MINORITY recommendation: Do not pass.

Signed by: Senators Clarke, Whetzel

Passed to Committee on Rules and Joint Rules for second reading.

March 9, 1971.

HOUSE BILL NO 126, providing for inclusion of court of appeals judges in judges' retirement system (reported by Committee on Public Pensions and Social Security).

MAJORITY recommendation: Do pass as amended, and refer to Committee on Ways and Means

Signed by: Senators Fleming, Chairman; Clarke, Day, Herr, Holman, Murray.

There being no objection House Bill No. 126 was referred to Committee on Ways and Means.

March 9, 1971.

HOUSE BILL NO. 266, providing for a change in filing of regulations of the liquor control board (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Day, Dore, Fleming, Foley, Gissberg, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

March 9, 1971.

ENGROSSED HOUSE BILL NO 267, regulating liquor license transfers (reported by Committee on Commerce and Regulatory Agencies)

MAJORITY recommendation: Do pass.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Dore, Fleming, Foley, Gissberg, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

March 9, 1971.

ENGROSSED HOUSE BILL NO. 273, requiring environmental impact reports on interstate and primary state highways (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution).

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Greive, Holman, McCutcheon, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

March 9, 1971.

ENGROSSED HOUSE BILL NO 572, providing that no factoring charges are allowed if credit cards are honored for payment of tuition and fees at state colleges and universities (reported by Committee on Commerce and Regulatory Agencies)

MAJORITY recommendation: Do pass.

Signed by: Senators Mardesich, Chairman; Day, Dore, Fleming, Foley, Gissberg, Keefe, Knoblauch, Peterson (Lowell), Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

March 1, 1971

ENGROSSED HOUSE JOINT RESOLUTION NO. 30, amending the Constitution to allow eighteen-year-old vote and updates residency requirements (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Vice Chairman, Donohue, Dore, Greive, Holman, Mardesich, Matson, Washington

MINORITY recommendation: Do not pass.

Signed by: Senator McCutcheon, Chairman.

Passed to Committee on Rules and Joint Rules for second reading.

## GUBERNATORIAL APPOINTMENT

March 9, 1971.

DONALD H. BRAZIER, to the position of member and chairman of the Utilities and Transportation Commission appointed by the Governor on January 8, 1971 for the term ending January 1, 1977, succeeding Dayton A. Witten (reported by the Committee on Commerce and Regulatory Agencies)

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Day Dore, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Stortini, Twigg, Walgren, Whetzel.

It was moved by Senator Durkan that the rules be suspended and the appointment of Donald H. Brazier to the position of member and chairman of the Utilities and Transportation Commission be now confirmed.

The motion carried.

## CONFIRMATION OF DONALD H. BRAZIER

The Secretary called the roll and the appointment of Donald H. Brazier to the position of member and chairman of the Utilities and Transportation Commission was confirmed by the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Ecker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—46.

Absent or not voting: Senators Lewis, Woodall—2

Excused Senator Cooney 1.

## MESSAGE FROM THE GOVERNOR

Office of the Governor, March 8, 1971

TO THE HONORABLE,  
THE SENATE AND THE HOUSE OF REPRESENTATIVES,  
OF THE STATE OF WASHINGTON.

In compliance with the provisions of Section II of Article III of the Constitution of the State of Washington, I have the honor to submit my report of each case of reprieve, commutation or pardon which I have granted since the adjournment of the Second Extraordinary Session of the Forty-First Legislature.

Jack A. Scherer on May 1, 1968, was found guilty in the Thurston County Superior Court by a jury on two counts of the crime of Grand Larceny for the passing of two non-sufficient fund checks in the amounts of \$250 and \$300 respectively. He was sentenced by Judge Charles T. Wright to not more than fifteen years imprisonment on each count, the terms to run consecutively.

Thereafter Judge Charles T. Wright requested the State Board of Prison Terms and Paroles to consider Jack A. Scherer for early parole and at my request the State Board of Prison Terms and Paroles reviewed this case and recommended that executive clemency be granted. Since the defendant had no prior criminal record I concluded that no useful purpose would be served in this case by his incarceration and accordingly on August 8, 1970, I commuted his sentence to five years probation under the supervision of the Office of Adult Probation and Parole Services, Division of Institutions, Department of Social and Health Services.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

## MESSAGES FROM THE HOUSE

March 9, 1971.

Mr. President. The House has receded from its amendments to SENATE BILL NO. 131 and has passed the bill without the House amendments, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk

March 9, 1971

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 24, and has adopted the resolution as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

March 9, 1971

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 720, and has passed the bill as amended by the Senate.  
MALCOLM McBEATH, Chief Clerk.

March 9, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 75, and has passed the bill as amended by the Senate.  
MALCOLM McBEATH, Chief Clerk

March 9, 1971.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 41, and has passed the bill as amended by the Senate.  
MALCOLM McBEATH, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed,  
SENATE BILL NO. 131,  
SENATE BILL NO. 241,  
SENATE BILL NO. 266,  
SENATE BILL NO. 447,  
HOUSE BILL NO. 147

## MOTION

On motion of Senator McDougall, Senators Guess and Matson were excused

## MESSAGE FROM THE HOUSE

March 9, 1971

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 158 with the following amendments:

In line 2 of the title after the semicolon and before "and prescribing" insert "amending section 28A.41.055, chapter 223, Laws of 1969 ex. sess. and RCW 28A.41.055, amending section 28A.65.040, chapter 223, Laws of 1969 ex. sess. as amended by section 23, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.040;"

On page 2, following section 1 add two new sections as follows:

"Sec. 2. Section 28A.41.055, chapter 223, Laws of 1969 ex. sess. and RCW 28A.41.055 are each amended to read as follows.

State and county funds which may become due and apportionable to school districts shall be apportioned in such a manner that any apportionment factors used shall utilize data and statistics derived in the school year that such funds are paid PROVIDED, That the superintendent of public instruction may make necessary administrative provision for the use of estimates, and corresponding adjustments, to the extent necessary PROVIDED FURTHER The enrollment estimates as projected in the preliminary budget for all school districts pursuant to chapter 28A.65 RCW, if deemed proper, shall be so certified by the superintendent of public instruction and shall become the basis for apportionment to school districts for the school year that such funds are paid, subject only to revisions due to enrollment increases or revisions downward by the boards of directors of the various school districts, when there are such revisions they shall then become the basis for the apportionment as provided for in this section AND PROVIDED FURTHER, That the superintendent of public instruction shall equitably adjust in any school district's budget for the ensuing school year any excess payment of state funds made on the basis of enrollment estimates so certified as hereinabove in this section provided.

Sec. 3 Section 28A.65.040 chapter 223, Laws of 1969 ex. sess. as amended by section 23, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.040 are each amended to read as follows:

Estimates of number of teachers required, equipment, instruction, supplies, textbooks, and such other items as depend in amount directly upon the prospective enrollment shall be submitted on the basis of the requirements for the ensuing fiscal year and be subject to revision in September PROVIDED, That subject only to revisions provided for in section 2 of this 1971 amendatory act, the certified enrollment estimates by the superintendent of public instruction pursuant to section 2 of this 1971 amendatory act shall be controlling in any revision of the items enumerated in this section."

Remember the remaining section consecutively

On page 2, following section 4 being "Sec. 2." of the original bill, add a new section as follows.

"NEW SECTION Sec. 5. If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.", and the same is herewith transmitted, MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Francis, the Senate concurred in the House amendments to Engrossed Senate Bill No. 158.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 158, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47, excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Ellicker, Fleming, Foley, Francis, Gardner, Gassberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Excused: Senators Cooney, Matson—2

ENGROSSED SENATE BILL NO. 158, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 9, 1971.

Mr. President: The House has passed SENATE BILL NO. 195 with the following amendments:

On page 1, line 2 of the title before "section" strike "amending" and insert "repealing"

On page 1, line 5 strike all of section 1 and insert the following.

"NEW SECTION Section 1 Section 2, chapter 160, Laws of 1949 as amended by section 2, chapter 47, Laws of 1957, and RCW 27.48.020 are each repealed," and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Talley, the Senate concurred in the House amendments to Senate Bill No. 195.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 195, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Ellicker, Fleming, Foley, Francis, Gardner, Gassberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators Lewis, Peterson (Ted)—2.

Excused: Senators Cooney, Matson—2.

SENATE BILL NO. 195, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich moved that the Senate do now reconsider the vote by which Engrossed Senate Bill No. 158, as amended by the House, passed the Senate.

The motion carried

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 158, as amended by the House.

#### POINT OF INQUIRY

Senator Durkan: "Would Senator Francis yield? Senator, the amendment to Senate Bill No. 158 reads that in the event that the estimates in enrollment are over in any given year that in the ensuing year the superintendent shall equitably adjust such enrollment down to reflect the overages of the previous year. My question to you is, does 'equitable adjust' mean that the superintendent of public instruction will take into account any estimates which are over and reduce them in the following year?"

Senator Francis: "Senator Durkan, my answer is yes, that is my understanding of what the superintendent of public instruction will do. I would further incorporate my elaboration of that answer which I gave previously. I think I can do that by reference. I will elaborate it with more precision.

"If there is an enrollment estimate of one thousand students and there are actually only nine hundred and fifty in that year but the state pays its portion on the basis of one thousand and then in the following year there are actually twelve hundred students in that district, the state would only pay on the basis of eleven hundred and fifty. In other words, the state would reimburse itself for the overage of the previous year which is a pretty strong incentive to not overestimate."

#### POINT OF INQUIRY

Senator Atwood: "Would Senator Francis yield? Senator, is this Senate Bill No. 159, as amended as put on by the House on Senate Bill No. 158?"

Senator Francis: "I am sorry, Senator Atwood, but I do not know the numbers, but I believe that there is another bill that would have done the same thing that this House amendment did."

#### POINT OF INQUIRY

Senator Atwood: "Would Senator Ridder yield? Senator, is that Senate Bill No. 159 in the House amendment that has been put on Senate Bill No. 158?"

Senator Ridder: "Yes, this is what we knew as Senate Bill No. 159. However, the language has been clarified in the revision. Remember this was our hangup up there in the revision. I think that now this absolutely takes care of it, that the school board can revise downward and that will be the statement of enrollment for the coming year which was one of the hangups and this does take back, and I think it states plainly now it takes back, that was the other hangup that we had."

Senator Atwood: "A further question, Senator; how does it take back for the second year of the biennium when there is a new budget pending? How do you get it back? Do you take it out of that school district's budget for the new budget?"

Senator Ridder: "No, this would come back through the apportionment."

Senator Atwood: "How would it? In the second year of the biennium when the school district estimates enrollment high and it is low, do we have to put that in the budget bill that school district X or that the superintendent will automatically deduct and repay prior to giving any apportionment money to each school district that has done that?"

Senator Ridder: "Right. The superintendent shall adjust the budget for the ensuing year of that school district so that that is taken out and paid back."

#### POINT OF INQUIRY

Senator Durkan: "Would Senator Ridder yield? Senator, let us talk about a hypothetical question. What if every school district in the state overestimates and then continues to overestimate every year?"

Senator Ridder: "They cannot overestimate. The superintendent of public instruction certifies the population projection as it is. This is the way we run the whole system. It is not a common occurrence and the superintendent of public instruction certainly is not going to allow this sort of thing to take place."

Senator Durkan: "But foreseeably under this bill, you could be overestimating your student population every year."

Senator Ridder: "I certainly do not see that it would take place. It certainly has not taken place. The whole reason for this is a few peculiar cases that have cropped up that have been certainly a blow to the school district's budget-making powers."

#### POINT OF INQUIRY

Senator Atwood: "I am not as familiar with this bill as you are but just talking in terms

of dollars. I can see that we have never before talked about estimated population either. But now we are saying that they can, based strictly upon estimation of enrollment, that the state support will be based upon estimation. Now I am not trying to prejudge any school board but I can see where a school board could overestimate five hundred students and then next year the superintendent catches them on the five hundred but they could overestimate then another five hundred."

Senator Ridder: "But they would lose."

Senator Atwood: "But we would be a year behind. Now I am asking you, can this occur?"

Senator Ridder: "I suppose you could keep going on in this way. Although it would seem to me that a school district that would overestimate its population, unless some real strange things were going on in a school district, and this is truly a hypothetical case because these problems of population, fall only happen in cases of a crisis within a community. A business moving out or something like that creates this fall. Otherwise, if it is a steady population decrease, you can look forward and project it into your projection so your projections are certified and it would not happen."

### MOTIONS

The motion for reconsideration by Senator Mardesich of Engrossed Senate Bill No 158, as amended by the House, was ordered held at the end of the calendar for today.

On motion of Senator Andersen, Senator McDougall was excused.

### MESSAGE FROM THE HOUSE

March 9, 1971

Mr. President: The House has passed ENGROSSED SENATE BILL NO 228 with the following amendments:

On page 2, section 4, line 18 after "secretary" insert ", with the advice and concurrence of the director of the department of agriculture,"

On page 2, section 6, line 29 add a new section to read as follows:

"NEW SECTION Sec. 6. The powers conferred on the secretary by this act shall be concurrent with the powers conferred on the director of the department of agriculture by chapter 16 36, and chapter 42 23 RCW, and the secretary and director shall cooperate in exercising their responsibilities in these areas," and the same is herewith transmitted MALCOLM McBEATH, Chief Clerk.

### MOTION

On motion of Senator Francis, the Senate concurred in the House amendments to Engrossed Senate Bill No. 228.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No 228, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Joly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowe), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortin, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Excused: Senators Cooney, McDougall, Matson—3.

ENGROSSED SENATE BILL NO. 228, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTIONS

On motion of Senator Greive, Senate Joint Resolution No. 22 was ordered to hold its place on the second reading calendar for Thursday, March 11, 1971.



On motion of Senator Andersen, Senator Newschwander was excused.

#### SECOND READING

HOUSE BILL NO 211, by Representatives Kopet, Backstrom and Marsh (by Legislative Budget Committee request):

Providing for the amendment and repeal of certain obsolete or inactive material relating to various local government units and agencies

The bill was read the second time by sections.

On motion of Senator Foley, the rules were suspended, House Bill No. 211 was advanced to third reading the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 211, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea. Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Eicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45

Absent or not voting: Senator Durkan—1.

Excused: Senators Cooney, Matson, Newschwander—3.

HOUSE BILL NO 211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act

HOUSE BILL NO. 216, by Representatives Juhn, Morrison and Bottiger (by Attorney General request):

Providing for the contents of certain trust instruments to conform to requirements of the Internal Revenue Code of 1954.

The bill was read the second time by sections

On motion of Senator Gissberg, the rules were suspended, House Bill No. 216 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 216, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea. Senators Andersen, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Eicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senator Atwood—1.

Excused: Senators Cooney, Newschwander—2.

HOUSE BILL NO. 216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act

HOUSE BILL NO. 217, by Representatives Juhn, Morrison and Bottiger (by Attorney General request):

Prohibiting certain acts by private foundations.

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, House Bill No. 217 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 217, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea. Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall - 47.

Excused: Senators Cooney, Newschwander - 2.

HOUSE BILL NO. 217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 675, by Representatives Bauer, Costanti and Kilbury:

Providing for producer-handlers on commodity boards.

The bill was read the second time by sections.

On motion of Senator Jolly, the rules were suspended, Engrossed House Bill No. 675 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 675, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 2.

Voting yea; Senators Andersen, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall - 43.

Absent or not voting: Senators Atwood, Durkan, Henry, Wilson - 4.

Excused: Senators Cooney, Newschwander - 2.

ENGROSSED HOUSE BILL NO. 675, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 250, by Representatives Morrison, Smythe and Spanton (by Superintendent of Public Instruction request):

Permitting school directors to petition for annexation of school property to city or town.

The bill was read the second time by sections.

## POINT OF INQUIRY

Senator Day: "Would Senator Woodall yield to a question? Senator, what is the necessity for the emergency clause?"

Senator Woodall: "Because a school district would like to come into the city and get the benefits of the act."

Senator Day: "I understand that, but couldn't they do that after ninety days whether the emergency clause was there or not?"

Senator Woodall: "Oh I suppose they could. They have gotten along for years without being in town but if it is good to go to town for the benefit of getting fire and police protection, we see no valid reason to wait ninety days to get the benefits of coming within."

Senator Day: "Your answer is then, to get the benefit of fire and police protection?"

Senator Woodall: "Yes."

Senator Day: "All right. One other question, Senator. Does this alter in any other way the annexation proceedings of annexing property to cities?"

Senator Woodall: "No, it is carefully confined just to the one situation."

On motion of Senator Woodall, the rules were suspended, House Bill No. 250 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 250, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall. 47.

Excused. Senators Cooney, Newschwander—2.

HOUSE BILL NO. 250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 322, by Representatives Marsh, Kirk, Chatalas, Backstrom, Ceccarelli, Conner, Litchman, McCormick and Merrill:

Authorizing school districts to lease school buses for the use of retarded children.

The bill was read the second time by sections.

Senator Dore moved adoption of the following amendment.

Strike the House amendment to the title of Engrossed House Bill No. 322, being line 2 of the engrossed bill after "transportation" strike "for handicapped children."

## MOTIONS

On motion of Senator Woodall, Engrossed House Bill No. 322 and the pending amendment by Senator Dore was made a special order of business immediately following the noon recess.

At 12:25 p.m., on motion of Senator Grave, the Senate recessed until 1:45 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:45 p.m.

## SPECIAL ORDER OF BUSINESS

ENGROSSED HOUSE BILL NO. 322, by Representatives Marsh, Kirk, Chatalas, Backstrom, Ceccarelli, Conner, Litchman, McCormick and Merrill:

Authorizing school districts to lease school buses for the use of retarded children.

The time having arrived, the Senate resumed consideration of Engrossed House Bill No. 322 and the pending amendment by Senator Dore.

The motion by Senator Dore carried and the amendment was adopted.

Senator Metcalf moved adoption of the following amendment by Senators Metcalf, Dore and Peterson (Ted).

On page 1, section 4, line 17, insert as Sections 4 and 5 the following:

"NEW SECTION Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess., and to chapter 28A, 41 RCW a new section to read as follows:

Notwithstanding any other provision of law, after the effective date of this 1971 act no state funds shall be used to reimburse any school district for the transportation of any student or pupil to a school outside the geographical area in which such student or pupil resides if written objection to such transportation by the parents or guardians of the student or pupil has been received by the district and when there is within the geographical area in which such student or pupil resides a school carrying the grade such student or pupil may enroll in.

NEW SECTION Sec. 5. This 1971 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

#### POINT OF ORDER

Senator Washington "I raise the point of order that this amendment enlarges the scope and object of the bill and violates the Senate rules thereby."

#### MOTION

On motion of Senator Dore, Engrossed House Bill No. 322, as amended by the Senate, and the pending amendment by Senators Metcalf, Dore and Peterson (Ted), were ordered held at the end of the second reading calendar for today.

ENGROSSED HOUSE BILL NO. 134, by Representatives Merrill, Cunningham and Barden (by Legislative Council request).

Providing for reduction in the number of fire commissioners in a merged fire protection district.

The bill was read the second time by sections.

On motion of Senator Stender, the rules were suspended, Engrossed House Bill No. 134 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 134, and the bill passed the Senate by the following vote. Yeas, 45; absent or not voting, 3, excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Ellicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall. 45.

Absent or not voting: Senators McCutcheon, Murray, Twigg. 3.

Excused: Senator Newschwander. 1.

ENGROSSED HOUSE BILL NO. 134, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

Senator Dore moved that the Senate immediately resume consideration of Engrossed House Bill No. 322 and the point of order as raised by Senator Washington.

Debate ensued.

Senator Fleming moved that Engrossed House Bill No. 322 be made a special order of business at 3:45 p.m., today.

### PARLIAMENTARY INQUIRY

Senator Andersen: "If Senator Fleming's request is granted and the bill is put over until 3:45 this afternoon, wouldn't it then be in order to continue with that bill until it was disposed of, even though we passed 4:00 p.m.?"

### REPLY BY THE PRESIDENT

The President: "In answer to your parliamentary inquiry, Senator Andersen, the tradition and custom of the Senate has been that despite the strict ruling of the concurrent resolution that was adopted that once the Senate undertakes consideration of a measure, the Senate in its own judgment may complete that consideration despite the four o'clock time limitation."

The motion by Senator Fleming carried and Engrossed House Bill No. 322, as amended by the Senate, the pending amendment by Senators Metcalf, Dore and Peterson (Ted) and the point of order as raised by Senator Washington was made a special order of business for 3:45 p.m. today.

### MOTIONS

On motion of Senator Francis the Committee on Education was relieved of further consideration of Senate Bills No. 221 and 580.

On motion of Senator Francis, Senate Bills No. 221 and 580 were referred to the Committee on Ways and Means.

### SECOND READING

ENGROSSED HOUSE BILL NO. 86, by Representatives Zimmerman, Brouillet and Hoggins (by Joint Committee on Education request):

Reorganizing powers, duties and functions within intermediate school districts.

### REPORT OF STANDING COMMITTEE

March 9, 1971.

ENGROSSED HOUSE BILL NO. 86, reorganizing powers, duties and functions within intermediate school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, section 2, beginning on line 14 of the engrossed and printed bill, after "districts" and before "consistent" insert, *including an equitable adjustment and transfer of any and all property assets and liabilities among the intermediate school districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes.*

On page 5, beginning on line 4 of the engrossed and printed bill strike all of section 3 and substitute the following:

"Except as otherwise provided in this section in each intermediate school district there shall be an intermediate school district board [of education, which shall] consisting of seven members elected by the [voters] school directors of the intermediate school district, one from each of seven intermediate school district board-member districts [...]. [such] Board-member district [to be] in districts reorganized under RCW 28A 21 020, section 4 of this 1971 amendatory act, and under this section shall be initially determined by the state board of education [on or before July 1, 1969]. The board member districts shall be arranged so far as practicable on the basis of equal population, with consideration being given existing board members of existing intermediate district boards. Each intermediate school district board member shall be elected by all the [qualified voters in this board member district only] school directors of the school districts within the boundaries of the intermediate school district. Each vote cast by a school director where there are up to and including one thousand enrolled students in that director's school district shall be counted as one electoral vote; each vote cast by a school director where there are at least one thousand one and not more than five thousand enrolled students in that director's school district shall be counted as three electoral votes; each vote cast by a school director where there are at least five thousand and one enrolled students in that director's school district shall be counted as six electoral votes. The electoral votes shall then be tallied for each

candidate as the votes are counted and it shall be the majority of electoral votes which determines the winning candidate. If no candidate receives a majority of the possible electoral votes, then not later than the first day of February, the superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of electoral votes accruing from such votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of February and the votes shall be counted as hereinabove provided on the twenty-fifth day of February. The candidate receiving a majority of electoral votes accruing from the votes at any such second election shall be declared elected. The superintendent of public instruction shall in each election year, not later than the first day of November, certify the October 1st enrollment for each school district and for each intermediate school district and shall compute the number of votes to which each school director of each school district within an intermediate school district shall be entitled. **PROVIDED** That the board members of old or existing intermediate school districts who reside within the limits of the existing or a new intermediate school district that is divided into board member districts in conformity with the provisions of RCW 28A 21 020 or under this section shall meet at the call of the state board of education and elect from among their number board members for the new district, no two of whom shall be resident of the same intermediate board member districts. Each board so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of education of intermediate school districts until the next regular election and until their successors are elected and qualified. Beginning in 1971 and at least every four years thereafter, intermediate school district boards shall review and if necessary, shall change the boundaries of board-member districts (so as to provide so far as practicable equal representation according to population of such board-member districts and) to conform to school district boundary changes. Such district board [may] if [wanting to make the necessary changes prior to June 1 of the appropriate year, shall refer for settlement questions on board member district boundaries to the state board of education, which, after a public hearing, [may] shall decide such questions.

Election of board members shall be held, at the time of] the third Tuesday in January following the general school election, [commencing with the general school election of 1969]. Such election shall be called and notice thereof given by the [county auditor of each county in the manner provided by law for giving notice of the election of school district directors and such election shall be conducted by the official who conducts the general school election for first class school district] intermediate school district superintendent in accordance with rules and regulations adopted by the state board of education and such election shall be conducted by mail and by the intermediate school district superintendent in accordance with rules and regulations adopted by the state board of education.

Filing for candidacy for the intermediate school district board shall be with the [county auditor of the headquarters county of the intermediate school district] intermediate school district superintendent no more than sixty days nor less than forty-six days prior to the general school election, and the [auditor] intermediate school district superintendent shall certify the names of candidates to the officials conducting the elections [in the board-member districts, except that for the elections to be conducted in November, 1969, the filings shall be with the county auditor of the most populous county in the intermediate school district who shall make such certifications]. Such officials shall consist of an election committee appointed by the state superintendent of public instruction and shall be conducted in accordance with election procedures established by rules and regulations promulgated by the state board of education.

The term of office for each board member shall be four years and until [his] a successor is duly elected and qualified. For the first election or an election following reorganization, board member district positions numbered one, three, five, and seven in each intermediate school district shall be for a term of four years and positions number two, four, and six shall be for a term of two years.

Any intermediate school district board may elect by resolution of the board to increase the board member size to nine board members in such case positions number eight and nine shall be filled at the time of the next general school election and shall serve coterminous terms with other even and odd numbered positions.

The term of every intermediate school district board member shall begin after the election returns have been certified, a certificate of election issued, and the oath of office taken [at which time the term of all existing county or intermediate district board members shall terminate and all duties of county board members affecting the county office shall be assumed by the new intermediate school district board serving those counties. Each intermediate school district board shall be organized at the first meeting of the board after the beginning of such term]. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board member district by the intermediate school district board of education. In the event that there are more than three vacancies in a seven member board or four vacancies in a nine member board, the state board of education shall fill by appointment sufficient vacancies so that there shall be a quorum of the board serving. Each appointed board member shall serve until the time of the next general school election at which time there shall be elected a member to fill the unexpired term.

[After July 1, 1969, the then incumbent county and intermediate district board

members who reside in the newly created intermediate school districts shall meet at the call of the then incumbent intermediate district superintendent or county superintendent of the most populous county in the newly created district, and elect from among their number board members for the new district, one from each board-member district, to serve until the new intermediate school district board assumes office.]

No person shall serve as an employee of a school district or as a member of a board of directors of a common school district or as a member of the state board of education and as a member of an intermediate school district board at the same time."

On page 26, section 27, line 6 of the engrossed and printed bill, after "business" and before the period insert ". PROVIDED, That if the prosecuting attorney of the headquarters county is not required by law to devote full time to the duties of his office, then the prosecuting attorney of the county with the greatest population within the intermediate school district and who is by law required to devote full time to his duties shall act as the legal advisor to the district board and superintendent."

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Newschwander, Odgaard, Washington

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment to page 4 was adopted.

Senator Francis moved adoption of the committee amendment to page 5.

Debate ensued.

### MOTIONS

On motion of Senator Bailey, Engrossed House Bill No. 86, the committee report and the adopted committee amendment were referred to the Committee on Rules and Joint Rules.

On motion of Senator Greive, all pending amendments on the Secretary's desk to Engrossed House Bill No. 86 were referred to the Committee on Rules and Joint Rules.

ENGROSSED HOUSE BILL NO. 158, by Representatives Shera, McCormuck, Gladder, Bagnariol, Kopet, Morrison, Grant, Conway, Ceccarelli, Litchman, Marsh and Merrill (by Public Pension Commission request).

Consolidating state-wide city employees' retirement system with the Washington public employees' retirement system.

### REPORT OF STANDING COMMITTEE

March 9, 1971.

HOUSE BILL NO. 158, consolidating state-wide city employees' retirement system with the Washington public employees' retirement system (reported by Committee on Public Pension and Social Security).

MAJORITY recommendation: Do pass with the following amendment.

On page 2, section 2, line 2, after "securities," and before "or" insert "debts or other obligations owed to or standing to the credit of the state-wide city employees' retirement system."

Signed by: Senators Fleming, Chairman, Clarke, Day, Herr, Holman, Murray

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendment was not adopted.

On motion of Senator Fleming, the following amendment was adopted.

On page 2, section 2, line 2 of the engrossed bill, after "securities," strike "or other assets within" and insert "and other assets or debts or other obligations owed to."

On motion of Senator Fleming, the rules were suspended, Engrossed House Bill No. 158, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 158, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47, absent or not voting, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich,

Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-47

Absent or not voting: Senators Henry, McCutcheon-2.

ENGROSSED HOUSE BILL NO 158, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO 228, by Representatives Newhouse, Moon and Berentson  
Relating to the interagency committee for outdoor recreation.

### REPORT OF STANDING COMMITTEE

February 25, 1971

HOUSE BILL NO. 228, relating to the interagency committee for outdoor recreation (reported by Committee on Parks, Tourism, Capital Grounds and Veterans' Affairs).

MAJORITY recommendation: Do pass with the following amendments:

On page 2, strike all of section 2.

In line 4 of the title, after "43.99.110" insert a period and strike the remainder of the title.

Signed by: Senators Wilson, Chairman; Canfield, Durkan, Henry, Jolly, Lewis, Mardesich, Murray, Scott, Whetzel.

The bill was read the second time by sections.

On motion of Senator Wilson, the committee amendments were adopted.

On motion of Senator Wilson, the rules were suspended, House Bill No 228, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No 228, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48, absent or not voting, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Grøve, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-48.

Absent or not voting: Senator McCutcheon-1.

HOUSE BILL NO 228, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

HOUSE BILL NO 88, by Representatives Wolf, Charette and Bledsoe (by Legislative Council request):

Providing that port district of less than county size cannot be formed.

### MOTION

Senator Gissberg moved that House Bill No. 88 be referred to the Committee on Cities, Towns and Counties.

Debate ensued.



## POINT OF INQUIRY

Senator Canfield: "Will Senator Gissberg yield? Senator, I understood that you were going to have an amendment proposed which would delay this bill and delay its implementation until such time as your particular problem might be taken care of. What if we send this back to committee, we are not really doing that, are we?"

Senator Gissberg: "Senator, I always have another line to which I will retreat if it becomes necessary. But in addition to the remarks I have made I do have an amendment on the Secretary's desk which may or may not solve their problem. I do not know whether it would or it would not, whether or not they are equipped to proceed that fast in order to form their particular port district, simply because I have been unable to communicate with the leaders in that community which are trying to put this thing together.

"That is one of the reasons, of course, that I wanted them down here to be heard, that something could be worked out which would accommodate their particular problem. In addition to that, however, I still feel that there may very well be other instances in other counties that will arise in the future that are very similar to this very problem that we are now discussing.

"If we pass this bill in this form, it is going to preclude such situations from being remedied at a local level and it is just going to have to be county-wide in scope. I think the end result of it is going to be to hurt, actually, the progress of the ports of this state rather than help."

## MOTION

Senator Talley moved that the motion by Senator Gissberg to refer House Bill No. 88 to the Committee on Cities, Towns and Counties be laid upon the table.

The motion failed on a rising vote.

Further debate ensued.

The motion by Senator Gissberg carried and House Bill No. 88 was referred to the Committee on Cities, Towns and Counties.

## SPECIAL ORDER OF BUSINESS

ENGROSSED HOUSE BILL NO. 322, by Representatives Marsh, Kirk, Chataas, Backstrom, Ceccarelli, Conner, Litchman, McCormick and Merrill:

Authorizing school districts to lease school buses for the use of retarded children.

The time having arrived, the Senate resumed consideration of Engrossed House Bill No. 322, as amended by the Senate, the pending amendment by Senators Metcalf, Dore and Peterson (Ted), and the point of order as raised by Senator Washington.

## RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order presented by Senator Washington, the President finds that House Bill No. 322 is an act which provides that school districts may lease buses under certain circumstances to transport handicapped children to and from activities beneficial to such children.

"The House amendment to the original title seems to be an effort to make it clear that the act pertained only to handicapped children as there is nothing in the body of the bill pertaining to furnishing transportation to anyone other than handicapped children.

"The amendment offered by Senators Metcalf, Dore and Peterson (Ted) evidently intends to make the title broader by removing the House amendment but it apparently offers no changes to the body of the bill. The amendment as presented by Senators Metcalf, Dore and Peterson (Ted) does not deal with the transportation of handicapped children and thus does increase the scope and object of the bill notwithstanding that the Metcalf-Dore-Peterson amendment did broaden the title. In other words, broadening the title does not necessarily broaden the scope and object of the bill. Therefore, the point of order presented by Senator Washington is well taken."

The amendment by Senators Metcalf, Dore and Peterson (Ted) to Engrossed House Bill No. 322, as amended by the Senate, was ruled out of order.

Debate ensued.

## POINT OF ORDER

Senator Woodall: "The point of order is that the President has ruled and unless there is a motion to override the ruling of the President, the remarks of Senator Dore are out of order at this time."

## RULING BY THE PRESIDENT

The President: "The President ruling upon the point of order presented by Senator Woodall, finds that Senator Woodall's remarks are well taken."

On motion of Senator Gardner, the following amendment was adopted

On line 4 of the committee amendment to page 1, line 6 of the printed bill, being page 1, line 7 of the engrossed bill, strike "PROVIDED, That such non profit organizations are regularly engaged in educational activities related to these children:" and after "PROVIDED" on line 8 of the committee amendment, being line 9 of the engrossed bill, strike "FURTHER"

Senator Woodall moved adoption of the following amendment by Senators Woodall and Peterson (Ted):

On page 1, section 2, line 12, after "purposes" and before the period insert "PROVIDED FURTHER, That racial imbalance shall not be deemed a handicap"

Senator Ridder moved that the amendment by Senators Woodall and Peterson (Ted) be laid upon the table.

Debate ensued

The motion carried on a rising vote.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Metcalf gave notice that he would move for reconsideration of the vote by which the amendment by Senator Dore to the title of Engrossed House Bill No. 322 was adopted.

Debate ensued.

The motion for reconsideration carried

## MOTION

There being no objection, on motion of Senator Dore, the amendment adopted by the Senate to the title of Engrossed House Bill No. 322 was withdrawn.

On motion of Senator Ridder, the rules were suspended, Engrossed House Bill No. 322, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill placed on final passage.

Debate ensued

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 322, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45, absent or not voting, 4.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—45

Absent or not voting: Senators Atwood, Francis, McCutcheon, Woodall—4.

ENGROSSED HOUSE BILL NO. 322, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 195,

SENATE BILL NO. 228.

There being no objection, the Senate returned to the first order of business

## REPORTS OF STANDING COMMITTEES

March 5, 1971

SENATE BILL NO. 105, enacting the automobile repair responsibility act (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: That Substitute Senate Bill No. 105 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Mardesich, Chairman, Clarke, Dore, Fleming, Foley, Gissberg, Keefe, Knoblauch, Stortini, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 5, 1971

SENATE BILL NO. 152, child care centers, AA and A counties (reported by Committee on Ways and Means)

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Connor, Donohue, Dore, Fleming, Francis, Greive, Holman, Jolly, Mardesich, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Stortini, Twigg, Walgren, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

March 10, 1971

ENGROSSED SUBSTITUTE HOUSE BILL NO. 433, implementing laws relating to elections (reported by Committee on Constitution, Elections and Legislative Processes)

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Vice Chairman, Donohue, Dore, Holman, Mardesich, Matson, Metcalf, Washington.

MINORITY recommendation: Do not pass.

Signed by: Senator McCutcheon, Chairman.

Passed to Committee on Rules and Joint Rules for second reading.

March 10, 1971

SUBSTITUTE HOUSE BILL NO. 562, providing for fees for electrical inspections (reported by Committee on Labor and Industrial Insurance)

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Bailey, McDougall, Matson, Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

March 10, 1971.

ENGROSSED HOUSE BILL NO. 597, adding an eighth member to the mobile home and recreation vehicle advisory board (reported by Committee on State Government).

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Atwood, Dav, Elicker, Gardner, Jolly.

Passed to Committee on Rules and Joint Rules for second reading.

At 3:10 p.m., the President declared the Senate to be at ease.

The President called the Senate to order at 3:30 p.m.

## SECOND READING

HOUSE BILL NO. 266, by Representatives Barden, Ekenberry, Latchman and Kilbury (by Joint Committee on Governmental Cooperation request):

Providing for a change in the filing of regulations of the liquor control board

The bill was read the second time by sections

On motion of Senator Atwood, the rules were suspended, House Bill No. 266, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 266, and the bill passed the Senate by the following vote: Yeas, 46, absent or not voting, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich,

Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Waigren, Washington, Whetzel Wilson, Woodall 46.

Absent or not voting: Senators Day, Dore, Gissberg-3.

HOUSE BILL NO 266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO 267, by Representatives Spanton, Barden, Litchman and Backstrom (by Joint Committee on Governmental Cooperation request)

Regulating liquor license transfers.

The bill was read the second time by sections.

On motion of Senator Mardesich, the rules were suspended, House Bill No 267 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No 267, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elcker, Fleming, Foley, Gardner, Gissberg, Greve, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McClutcheon, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Waigren, Washington, Whetzel Wilson, Woodall 47

Voting nay: Senator Metcalf-1.

Absent or not voting: Senator Dore-1.

ENGROSSED HOUSE BILL NO. 267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Ridder served notice that he would move immediately to reconsider the vote by which House Bill No. 267 passed the Senate

The motion for reconsideration failed on a rising vote.

HOUSE BILL NO 434, by Representatives Kirk, King and Hoggins (by departmental request)

Authorizing deductions for certain state procured insurance from teachers' retirement allowances.

The bill was read the second time by sections.

On motion of Senator Fleming, the rules were suspended, House Bill No 434 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No 434, and the bill passed the Senate by the following vote: Yeas, 47, absent or not voting, 2.

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elcker, Fleming, Foley, Francis, Gardner, Gissberg, Greve, Guess, Henry,

Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Tailey, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Absent or not voting: Senators Dore, Durkan—2.

HOUSE BILL NO. 434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate returned to the first order of business.

#### REPORT OF STANDING COMMITTEE

March 10, 1971.

ENGROSSED HOUSE BILL NO. 660, exempting credit cards from small loan regulations (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation. Do pass as amended.

Signed by: Senators Mardesich, Chairman; Clarke, Cooney, Day, Foley, Gissberg, Keefe, Knoblauch, Peterson (Lowell), Walgren, Whetzel.

#### MOTION

Senator Mardesich moved that the rules be suspended, Engrossed House Bill No. 660 be advanced to second reading and read the second time in full.

#### POINT OF INQUIRY

Senator Gissberg: "Will Senator Mardesich yield to a question? Senator, does this matter come out of your committee?"

Senator Mardesich: "Yes, sir."

Senator Gissberg: "I do not recall having been asked to sign the report on it and I know that you are very careful ordinarily to see to it that all members of your committee have that opportunity. Was that simply an oversight or was it by design?"

Senator Mardesich: "Mr. President, in answer to that question, Senator Gissberg, I know that no matter that he is a swede and we have to excuse him, he did in fact sign the committee report."

Senator Gissberg: "Then would you please instruct the Secretary to strike my name from it because if I did I was asked to do so under the guise that this was just a housecleaning bill."

Debate ensued.

The motion by Senator Mardesich failed on a rising vote. Engrossed House Bill No. 660 was referred to the Committee on Rules and Joint Rules.

#### MOTION

At 4:00 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Thursday, March 11, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate

## SIXTIETH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, March 11, 1971.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Francis and Lewis. On motion of Senator Fleming, Senator Francis was excused. On motion of Senator McDougall, Senator Lewis was excused.

The Color Guard, consisting of Pages Nancy Ryan, Color Bearer, and Craig Hoyer presented the Colors. Reverend Arthur Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered prayer as follows.

"My words fly up, my thoughts remain below. Words without thoughts can never to heaven go. God forbid that this should be true of any one of us during these golden moments of meditation. Rather, may this sacred silence in this Chamber just now be a moment before God for each one of us. Enable us on this last day of this regular session to lay hold of life's last moment and make it our company-keeper throughout this day, that thoughts and words of great pith and moment might not lose the name of action. This we ask in the Name of Him who said, 'I must work the works of Him that sent me while it is day; night cometh when no man can work.' Amen."

On motion of Senator Greive, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORT OF STANDING COMMITTEE

March 9, 1971.  
HOUSE BILL NO. 52, providing changes in the regulation of classified drivers' licenses (reported by Committee on Transportation)

MAJORITY recommendation. Do pass

Signed by Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Guess, Huntley, Keefe, Knoblauch, McDougall, Matson, Peterson (Lowell), Sandison, Scott, Taley, Walgren, Whetzel

Passed to Committee on Rules and Joint Rules for second reading

## MESSAGES FROM THE HOUSE

March 10, 1971.  
Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 151, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 10, 1971.  
Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 493, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 10, 1971.  
Mr. President: The Speaker signed.  
SENATE BILL NO. 195,  
SENATE BILL NO. 228,  
and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk

March 10, 1971.  
Mr. President: The Speaker has signed.  
SENATE BILL NO. 131,  
SENATE BILL NO. 241,  
SENATE BILL NO. 266,  
SENATE BILL NO. 447,  
and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 10, 1971.

Mr. President: The House has passed,  
 SENATE BILL NO. 10,  
 ENGROSSED SENATE BILL NO. 79,  
 SENATE BILL NO. 107,  
 and the same are herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk

March 10, 1971.

Mr. President: The Speaker has signed.  
 HOUSE BILL NO. 41,  
 HOUSE BILL NO. 75,  
 HOUSE BILL NO. 720,  
 HOUSE CONCURRENT RESOLUTION NO. 24,  
 and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk

March 10, 1971

Mr. President: The House has concurred in the Senate amendment to HOUSE  
 BILL NO. 10 and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

March 10, 1971.

Mr. President: The House has concurred in the Senate amendment to  
 ENGROSSED HOUSE BILL NO. 523 and has passed the bill as amended by the  
 Senate

DONALD R. WILSON, Assistant Chief Clerk.

March 10, 1971

Mr. President: The House has concurred in the Senate amendments to  
 ENGROSSED HOUSE BILL NO. 298 and has passed the bill as amended by the  
 Senate

DONALD R. WILSON, Assistant Chief Clerk

March 10, 1971.

Mr. President: The House has concurred in the Senate amendments to  
 ENGROSSED HOUSE BILL NO. 66 and has passed the bill as amended by the  
 Senate.

DONALD R. WILSON, Assistant Chief Clerk

March 10, 1971

Mr. President: The House has concurred in the Senate amendment to  
 ENGROSSED HOUSE BILL NO. 322 and has passed the bill as amended by the  
 Senate.

MALCOLM McBEATH, Chief Clerk.

March 10, 1971

Mr. President: The House has concurred in the Senate amendments to HOUSE  
 BILL NO. 228 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

March 10, 1971

Mr. President: The House has concurred in the Senate amendment to  
 ENGROSSED HOUSE BILL NO. 158 and has passed the bill as amended by the  
 Senate

MALCOLM McBEATH, Chief Clerk

#### PERSONAL PRIVILEGE

Senator Dore: "As chairman of the Appropriations Committee, I would like to just make an observation of the budget message we just received from the House, Substitute Senate Bill No. 151

"I realize these are difficult times with 11.6 percent unemployment in this state and if the Senate had not extended unemployment benefits during the early days of this session, we would find some seventy thousand people who draw unemployment benefits who would have exhausted their rights.

"We have a situation for the first time since I have been here in eighteen years and probably in the history of the state where a budget has come over from the House the very last day of the session. It would have been far better if they had retained the budget. Of course, this is just plain pure irresponsibility, pure politics. There is no possible way that this Senate can possibly analyze their particular bill and do any studies on it and send back a realistic budget.

"I have examined this budget in preliminary hearings in the last two days and I have found that the budget is out of balance some fifty million dollars or more, a totally irresponsible act in sending the budget over here without the taxes to pay for it. I also find

that even though it is out of balance some fifty million dollars, the job that was performed is almost outrageous. Outside of the public welfare area, they have conducted business as usual in the House. Everybody continues on their fine high salary. There is no great austerity in the budget in terms of state employment. The Governor came in requesting some fourteen hundred new jobs. The House trimmed a few off, it is down now to about a thousand new jobs. In order to make savings, they say they have made all the savings in those people who can least afford it, or take care of themselves. That is the little people of the state, those in the area. What did they do? They have imposed upon us or in the bill an unrealistic medical program or deductibility of the medical indigent. They have also curtailed the housing grants to those people on the rolls from one hundred dollars down to an average somewhere between seventy and seventy-seven dollars, depending on what figures you take.

"I think the act of the Republican House in doing this is the height of total irresponsibility and as a member of this Senate, as chairman of the Senate Appropriations Committee, I pledge to this Senate and the Democratic party and to the people of this state, and the Republicans in the Senate, that we will continue to have continuous sessions on the budget to see if we can make some type of sense out of this totally irresponsible budget that really means nothing. There are no taxes to balance the budget and, of course, the savings they have made are those in the areas that least can afford it. I would rather the savings had been made in the areas of the large salaries of our state officials. You have seen them in recent days, what they are. Would not it have been more realistic to trim those salaries, especially those over fifty, over forty, over thirty thousand a year to make the savings, and not in the area which was done?

"These are things that will be studied in the next few weeks and hopefully we will be able to adjust priorities, adjust priorities in the budget and come up with a responsible budget with the revenue sufficient in order to balance it and conduct our affairs during the coming two years."

#### PERSONAL PRIVILEGE

Senator Andersen: "Point of personal privilege in response to that of Senator Dore. When we speak about irresponsible actions, I have certainly never seen anything more irresponsible in the twelve years that I have served in the legislature than for the chairman of the Senate Appropriations Committee to stand up and gratuitously start taking swipes at a House budget that apparently he is not conversant with. And to turn this into a political issue at this point, just when this budget bill is coming over before this Senate with all the myriad problems the state has, is to resort to the 'old politics' which I am completely convinced that the people of this state do not want any longer.

"And in response to some of the political shots that Senator Dore has gratuitously and unwarrantedly and uncalled for and undeservedly taken, I can only quote what Governor Dan Evans said:

"It's a case where forty-eight House Democrats might as well not have been in session for all the responsibility they had in the budget. Never in all my experience have I seen a time when the minority party—Democrat or Republican—refused so completely to be responsible."

"And I can only say in response to the irresponsible statements of Senator Dore that the minority Republicans are prepared to be responsible here in the Senate, Senator Dore, and that is a lot more than they were in the House."

#### PERSONAL PRIVILEGE

Senator Durkan: "Mr. President, we have heard Senator Dore express views of many of us on the Democratic side and I am sure that Senator Andersen represents the views on the Republican side and that of the Governor. The only thing that I would like to add to it is that the reason why the minority in the House did not participate is because they were not allowed to. The Republican hard heel SS tactics never let them participate, either in the appropriations room or on the floor of the House.

"Now I think the problem that we have before us is not the harsh words but we have a difficult problem in the next sixty days to solve the problems of this state. I would hope that you would remember that Senator Dore has been holding hearings every morning and every evening constantly trying to get some clear thoughts on a budget that most of us, in due justification, find a lot of things wrong with. The one thing that I would say, and I say to you, Senator Andersen, is that I do not think it is unreasonable for the Senate to expect the House to indicate where the revenue is going to come for the deficit. I think it is only fair that they inform the public and they inform the Senate because I feel that if we in the Senate, and as a majority party, should increase this budget, that we will be the first to indicate where the revenue is going to come from and we will expect to pay for it. Unfortunately in state government we cannot travel on a credit card and I hope that the House has recognized that and I would like to see them get to it and get a revenue bill on the floor the first few days of the special session and get it over to us. When we bring out our budget and pass it back to them, I can assure you that I will be recommending, if there are increases and I think there have to be in the area of medical deductibility, in the area of shelter, in the area of community colleges and some other places that I am going to



recommend to our caucus and to you, we will be prepared to pay for it. And with that, I think we should get on with the business."

### PERSONAL PRIVILEGE

Senator Atwood: "Mr. President and gentlemen of the Senate, after listening to these political speeches I would suggest that we get on with the business, but I would say one thing in answer to Senator Dorr. I am as well acquainted with this budget as anybody and looking and listening to what the House did in public assistance, I take great exception to what you say and it is just pure political papery. We will come with a responsible budget. The House did a good job the way they saw it. We will probably readjust some of the priorities. Your caucus is going to have to make those decisions but to say it is out of balance fifty million—no one can say it is out of balance or how much, if it is. That is just pure guesswork, it is just pure speculation. We have been this route before in the last four sessions. I would be hopeful and assure Senator Durkan that the revenue measures that go with this measure are coming over next week hopefully. They have moved them up into the Committee on Rules and Joint Rules now and we have, incidentally, three of those measures in the Senate Committee on Ways and Means that go with this budget. I would hope that we would take some action on those and with that I think that we should get on with the business of the Senate."

### MESSAGE FROM THE HOUSE

March 10, 1971

Mr. President. The House has passed ENGROSSED SENATE BILL NO. 97 with the following amendments:

On page 1, section 1, line 18, strike "board of county commissioners" and insert "[board of county commissioners] proper county legislative authority."

On page 1, section 1, beginning with "board" on line 20, strike everything down to and including "commissioners" on line 21 and insert "[board of county commissioners] proper county legislative authority."

On page 2, section 1, beginning with "board" on line 2, strike everything down to and including "commissioners" on line 3 and insert "[board of county commissioners] proper county legislative authority."

On page 2, section 1, line 4, strike "County commissioners" and insert "[County commissioners] Members of the proper county legislative authority."

On page 2, section 1, line 19, strike "board of county commissioners" and insert "[board of county commissioners] proper county legislative authority."

On page 2, section 1, beginning with "board" on line 20, strike everything down to and including "commissioners" on line 21 and insert "[board of county commissioners] proper county legislative authority."

On page 2, section 1, beginning with "board" on line 24, strike everything down to and including "commissioners" on line 25 and insert "[board of county commissioners] proper county legislative authority."

On page 2, section 1, beginning with "board" on line 25, strike everything down to and including "commissioners" on line 26 and insert "[board of county commissioners] proper county legislative authority."

On page 3, section 1, line 4, strike "commissioners" and insert "[commissioners] the proper county legislative authority", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk

### MOTION

On motion of Senator Whetzel, the Senate concurred in the House amendments to Engrossed Senate Bill No. 97.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 97, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yeas: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dorr, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greve, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortin, Talley, Wagren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting, Senator Twigg 1.  
Excused, Senators Francis, Lewis—2.

ENGROSSED SENATE BILL 97, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 10, 1971.

Mr. President. The House has passed SENATE BILL NO. 88 with the following amendments:

On page 1, section 1, line 13 strike ", the state or its agencies"  
On page 1, section 1, line 23, following "rates," insert: "The authority may contract with the state or any of its agencies, and may lease and release buildings to the state or its appropriate agencies, in the same manner, to the same extent, and subject to the same conditions and limitations, as apply to the authority's ability to contract with and lease or release buildings to institutions of higher learning."

On page 2, section 2, line 3 strike ", the state or its agencies"  
On page 2, section 2, line 4 following "lease," insert "The state and its agencies may lease buildings erected by the authority in the same manner, to the same extent and subject to the same conditions and limitations as apply to leases entered into by institutions of higher learning",  
and the same is herewith transmitted, MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Guess, the Senate refused to concur in the House amendments to Senate Bill No. 88, and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

March 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 103 with the following amendment:

On page 2, section 2, beginning with line 4 strike the remainder of the act and insert:  
"Every board of school directors shall have the power, and it shall be its duty to provide for and require [testing of] screening for the [hearing] visual and auditory acuity of all children attending schools in their districts to ascertain which if any of such children have defects [in their hearing] sufficient to retard them in their studies. Auditory and visual [Such tests] screening shall be made [annually commencing each September by competent persons which may include superintendents, principals, or teachers in the schools, but at least every two years tests given all children shall be by a registered physician or registered nurse] in accordance with procedures and standards adopted by rule or regulation of the state board of health. Prior to the adoption or revision of such rules or regulations the state board of health shall seek the recommendations of the superintendent of public instruction regarding the administration of visual and auditory screening and the qualifications of persons competent to administer such screening

Sec. 3. Section 28A 31.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.31.040 are each amended to read as follows:

The person or persons completing [such tests] the screening prescribed in RCW 28A 31.030 shall promptly prepare a record of the [test] screening of each child found to [be hard of hearing,] have, or suspected of having, reduced visual and/or auditory acuity in need of attention, including the special education services provided by chapter 28A 13 RCW, and send copies of such records and recommendations to the parents or guardians of such children [, and to the superintendent of public instruction, and to the state director of health,] and shall deliver the original records to the [teachers in charge of such children, and such teachers] appropriate school official who shall preserve such records [, and give special attention to said children with defective hearing and assist them toward making their grades in studies with their classes] and forward to the superintendent of public instruction and the secretary of social and health services visual and auditory data as requested by such officials.

Sec. 4 Section 28A 31.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A 31.050 are each amended to read as follows:

[It shall be the duty of] The superintendent of public instruction [, after consultation with the state director of health, to prepare and] shall print and distribute to [the] appropriate school [boards or to the respective county or intermediate district superintendents for them, suitable rules and directions, together with] officials [the rules and regulations adopted by the state board of health pursuant to RCW 28A 31.030 and the

recommended records [,] and forms to be used in making and reporting such [tests] screenings " and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

#### MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Engrossed Senate Bill No. 103.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 103, as amended by the House, and the bill passed the Senate by the following vote Yeas, 48, excused, 1.

Voting yea Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elcker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Joly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odeggaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Storuni, Tailey, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48

Excused: Senator Francis—1.

ENGROSSED SENATE BILL NO 103, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 11, 1971

Mr. President: The Speaker has signed:

HOUSE BILL NO. 10,  
HOUSE BILL NO. 66,  
HOUSE BILL NO. 134,  
HOUSE BILL NO. 158,  
HOUSE BILL NO. 211,  
HOUSE BILL NO. 216,  
HOUSE BILL NO. 217,  
HOUSE BILL NO. 228,  
HOUSE BILL NO. 250,  
HOUSE BILL NO. 266,  
HOUSE BILL NO. 267,  
HOUSE BILL NO. 298,  
HOUSE BILL NO. 322,  
HOUSE BILL NO. 434,  
HOUSE BILL NO. 523,  
HOUSE BILL NO. 675,

and the same are herewith transmitted MALCOLM McBEATH, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed.

SENATE BILL NO. 10,  
SENATE BILL NO. 79,  
SENATE BILL NO. 107,  
HOUSE BILL NO. 10,  
HOUSE BILL NO. 66,  
HOUSE BILL NO. 134,  
HOUSE BILL NO. 158,  
HOUSE BILL NO. 211,  
HOUSE BILL NO. 216,  
HOUSE BILL NO. 217,  
HOUSE BILL NO. 228,  
HOUSE BILL NO. 250,

HOUSE BILL NO. 266,  
HOUSE BILL NO. 267,  
HOUSE BILL NO. 298,  
HOUSE BILL NO. 322,  
HOUSE BILL NO. 434,  
HOUSE BILL NO. 523,  
HOUSE BILL NO. 675

## MESSAGES FROM THE HOUSE

March 11, 1971.

Mr. President: The Speaker has signed.  
SENATE BILL NO. 10  
SENATE BILL NO. 79  
SENATE BILL NO. 107,  
and the same are herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

March 11, 1971.

Mr. President: The House has receded from its amendments to SENATE BILL NO. 88 and has passed the bill without the House amendments, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk

## INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 51, by Committee on Appropriations:

Enacting the operating budget.  
Referred to Committee on Ways and Means—Appropriations

ENGROSSED HOUSE BILL NO. 493, by Representatives Bledsoe, Brouillet, Wolf, O'Brien, Charette, Newhouse, Flanagan, Amen, Benitz, Bozarth, Mentor, Fardini and Schumaker

Pertaining to assessment of leasehold estates.  
Referred to Committee on Ways and Means—Revenue and Taxation.

## MOTIONS

On motion of Senator Greive, Senate Joint Resolution No. 22 was referred to the Committee on Rules and Joint Rules.

At 12.05 p.m., on motion of Senator Greive, the Senate recessed until 2.00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2.00 p.m.  
On motion of Senator Bailey, the following resolution was adopted.

## SENATE RESOLUTION. 1971-24

By Senators Bailey and Atwood.

WHEREAS, The Forty-second Regular Session of the Legislature is drawing to a close, and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the Forty-second regular session and the commencement of the Forty-third regular session,

NOW, THEREFORE, BE IT RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to complete the work of the session, to reply to and give necessary attention to correspondence and other details arising therefrom; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized to retain such employees as he may deem necessary and that said employees be allowed such per diem rate of pay therefor as the Secretary of the Senate and the President of the Senate shall deem proper, and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is,

authorized and directed to make out and execute with the President, or the President Pro Tempore, the necessary vouchers upon which warrants for the foregoing expenses and expenditures shall be drawn from funds provided therefor for legislative expenses, and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to have a copy of the Senate Journal, of the Forty-second regular session of the legislature, together with a suitable index therefor, prepared by the State Printer; and

BE IT FURTHER RESOLVED, That after the close of the session the Secretary of the Senate, and the President, or the President Pro Tempore of the Senate be, and they hereby are authorized and directed to prepare and execute the necessary vouchers, upon which warrants shall be drawn for the final payment of all expenses incurred after the adjournment of this Forty-second Legislative session in closing the business of such session, in providing for the interim period between the closing of such session and the convening of the next regular or special session of the legislature and in the preparation for such convening, and

BE IT FURTHER RESOLVED, That the Sergeant at Arms be, and he hereby is, directed to see that the Senate Chambers and adjoining rooms, furniture and equipment are clean and in good order; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers in the event of a bereavement in a Senator's family; and

BE IT FURTHER RESOLVED, That such use of the chamber and room for a Y.M.C.A. Youth Legislature is permitted upon such terms as the Secretary shall deem proper; and

BE IT FURTHER RESOLVED, That all accounts payable incurred up to and including this date, covering Senate expenditures made, or obligations incurred, which are payable out of the funds appropriated for the payment of expenses of the Forty-second Legislature of the state of Washington, and which are presented for payment after adjournment of the Forty-second Regular Session of the Legislature before payment is authorized, must bear the approval of the President or President Pro Tempore of the Senate, and the Secretary of the State

There being no objection, the Senate returned to the third order of business.

#### MESSAGE FROM THE SECRETARY OF STATE

March 11, 1971.

TO THE HONORABLE, THE PRESIDENT OF THE SENATE,  
THE LEGISLATURE OF THE STATE OF WASHINGTON,  
OLYMPIA, WASHINGTON

MR. PRESIDENT:

I, A. Ludlow Kramer, Secretary of State of the state of Washington and custodian of the Seal of the said State, do hereby certify that, I have carefully compared the annexed copy of a proclamation by the Governor calling an extraordinary session of the Legislature to convene on the 12th day of March, 1971, with the original copy of said proclamation now on file in this office, and find the same to be a full, true and correct copy of said original, and the whole thereof, together with all official endorsements thereon

IN TESTIMONY WHEREOF I have set my hand and affixed hereto the seal of the state of Washington, Done at the Capitol at Olympia on this the date of March 11, 1971

(SEAL OF THE STATE OF WASHINGTON)

A. LUDLOW KRAMER  
Secretary of State

#### PROCLAMATION BY THE GOVERNOR

Office of the Governor, March 11, 1971.

The 1971 Session of the Washington State Legislature now has before it substantial legislation, touching a wide variety of issues, and of critical importance to the citizens of our State. Certain bills have received much public discussion, and legislative deliberation at the committee stage or by one house has been completed. Other bills, no less significant and in many ways far more sweeping in scope and impact, have not yet been given adequate legislative consideration. Because much of the work required of this Legislature is still to be completed, I am convening this first extraordinary session for the reasons listed below.

Those areas of major concern to which the Legislature should focus its attention include the following:

1. *Economic Recovery and Fiscal Affairs.* The present economic condition of the state, coupled with a need to avoid unprovident tax increases, makes it incumbent that this Legislature consider various proposals for improving the state's economic condition in the short-run and providing a more workable and equitable fiscal framework for governmental operations in the future. Proposals for constitutional

amendments which would permit a variable debt ceiling on state obligations and a procedure for lending the state's credit in certain instances must be deliberated. In addition, the JOBS NOW and WASHINGTON FUTURE programs should be adopted. The Legislature should consider bills which would permit the establishment of a regional development authority to foster a healthy economy in areas of our state which are experiencing a slow rate of growth or high unemployment. No set of bills in front of this Legislature are as important, in my view, as these proposals designed to stimulate economic recovery in our State. We cannot depend solely on support from Washington, D. C., or from any other source if we are to achieve economic progress. It must come from our own efforts, and the measures now before you, if adopted, will indicate legislative leadership in achieving prosperity for our State. Finally, and obviously, the Legislature must adopt a budget for the 1971-73 biennium.

2. **Environment.** This is not a time for the Legislature to arrest the substantial progress made in previous sessions toward protecting the environmental attributes which are an integral part of this state's heritage. Legislation to adopt a plan for management of our seacoasts and shorelines and of interior land areas, bills to preserve our natural rivers and protect our coastal waters, to enact a state Environmental Protection Act, to regulate the placement of billboards and the operation of vehicles on our ocean beaches, and to strengthen 1970 legislation relating to oil spills in our waters must receive the prompt consideration of this Legislature.
3. **Human Resources.** This Legislature must carefully consider proposals which have been introduced to provide comprehensive health planning for this state, modify and modernize the state industrial insurance system, provide a state housing corporation and extend substantial rights and responsibilities to our Indian citizens.
4. **Citizen and Consumer Affairs.** Many bills have been introduced which will offer this State's citizens needed protection and substantive rights which are absent in our present laws. Among these are bills relating to the law of landlord and tenant, requiring the unit pricing of certain grocery items, adopting a statewide building code and a housing standards act, including sex as a prohibited discrimination under the laws of the State Board Against Discrimination, making substantial changes in the laws of community property and authorizing a study of various no-fault automobile insurance plans as an alternative to the present tort liability system.
5. **Government Improvement.** The Legislature should adopt a plan for reporting of campaign contributions and expenditures by candidates for political office and campaign committees in this state. It should consider proposals to authorize annual sessions of the Legislature and annual general elections in this state. Additionally it should permit an evaluation of the present system of providing transportation across Puget Sound, with recommendations of the means best suited to attaining a high level of cross-sound service in the future.
6. **Governmental Reorganization.** The Legislature has before it bills which would create a new Department of Transportation, a Department of Finance and Business Regulation, a Department of Natural Resources and a Department of Justice. It should also consider expanding and modernizing the Department of Revenue in order to better serve the revenue collection needs of the State. Finally, it should review a proposal giving the Governor authority to make executive reorganization, subject to legislative approval.

As a result of these conditions, an emergency exists constituting an extraordinary occasion within the meaning of Article II, Section 7, of the Constitution of the State of Washington.

NOW, THEREFORE, I, Daniel J. Evans, Governor of the State of Washington, by virtue of the authority vested in me by the Constitution do hereby convene the Legislature of the State of Washington in Extraordinary Session in the Capitol at Olympia on the twelfth day of March, A.D. 1971, at the hour of nine o'clock a.m., and

I DO HEREBY SPECIFY, in accordance with the requirements of the Constitution that the purposes for which the Legislature is convened are:

To appropriate sufficient funds, and raise sufficient revenues, to carry on the necessary functions and services of state government; and

To consider the enactment of the several other measures specified above for the benefit of the people of the State of Washington.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia, this 11th day of March, A.D., Nineteen Hundred and Seventy-one.

DANIEL J. EVANS  
Governor of Washington.

BY THE GOVERNOR  
A. LUDLOW KRAMER  
Secretary of State.

(SEAL OF THE STATE OF WASHINGTON)

## SIGNED BY THE PRESIDENT

The President signed.  
SENATE BILL NO. 88,  
SENATE BILL NO. 97,  
SENATE BILL NO. 103.

## MESSAGES FROM THE HOUSE

March 11, 1971.

Mr. President: Under the terms of SENATE CONCURRENT RESOLUTION NO. 17 the House is herewith transmitting the following Senate Bills:

ENGROSSED SENATE BILL NO. 1,  
ENGROSSED SENATE BILL NO. 32,  
SENATE BILL NO. 35,  
ENGROSSED SENATE BILL NO. 37,  
SENATE BILL NO. 45,  
SENATE BILL NO. 49,  
ENGROSSED SENATE BILL NO. 47,  
ENGROSSED SENATE BILL NO. 49,  
ENGROSSED SENATE BILL NO. 56,  
SENATE BILL NO. 57,  
SENATE BILL NO. 62,  
ENGROSSED SENATE BILL NO. 63,  
ENGROSSED SENATE BILL NO. 64,  
SENATE BILL NO. 68,  
ENGROSSED SENATE BILL NO. 73,  
ENGROSSED SENATE BILL NO. 86,  
SUBSTITUTE SENATE BILL NO. 90,  
ENGROSSED SENATE BILL NO. 91,  
ENGROSSED SENATE BILL NO. 95,  
ENGROSSED SENATE BILL NO. 100,  
SENATE BILL NO. 102,  
ENGROSSED SENATE BILL NO. 114,  
ENGROSSED SENATE BILL NO. 120,  
SENATE BILL NO. 125,  
SENATE BILL NO. 126,  
REENGROSSED SENATE BILL NO. 130,  
ENGROSSED SENATE BILL NO. 133,  
ENGROSSED SENATE BILL NO. 135,  
ENGROSSED SENATE BILL NO. 136,  
ENGROSSED SENATE BILL NO. 137,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 146,  
ENGROSSED SENATE BILL NO. 151,  
ENGROSSED SENATE BILL NO. 156,  
SENATE BILL NO. 160,  
ENGROSSED SENATE BILL NO. 163,  
ENGROSSED SENATE BILL NO. 168,  
SENATE BILL NO. 172,  
ENGROSSED SENATE BILL NO. 183,  
SENATE BILL NO. 196,  
SENATE BILL NO. 208,  
SUBSTITUTE SENATE BILL NO. 215,  
SENATE BILL NO. 219,  
ENGROSSED SENATE BILL NO. 227,  
SENATE BILL NO. 237,  
ENGROSSED SENATE BILL NO. 246,  
SENATE BILL NO. 249,  
SENATE BILL NO. 260,  
ENGROSSED SENATE BILL NO. 261,  
SENATE BILL NO. 270,  
ENGROSSED SENATE BILL NO. 273,  
SENATE BILL NO. 288,  
SENATE BILL NO. 302,  
ENGROSSED SENATE BILL NO. 314,  
SENATE BILL NO. 320,  
SENATE BILL NO. 321,  
SENATE BILL NO. 333,  
ENGROSSED SENATE BILL NO. 335,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 352,  
ENGROSSED SENATE BILL NO. 363,  
ENGROSSED SENATE BILL NO. 380,

ENGROSSED SENATE BILL NO. 391,  
ENGROSSED SENATE BILL NO. 394,  
ENGROSSED SENATE BILL NO. 410,  
ENGROSSED SENATE BILL NO. 411,  
ENGROSSED SENATE BILL NO. 424,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 446,  
SENATE BILL NO. 449,  
SENATE BILL NO. 486,  
SENATE BILL NO. 522,  
ENGROSSED SENATE BILL NO. 737,  
ENGROSSED SENATE BILL NO. 738,  
ENGROSSED SENATE BILL NO. 739,  
SENATE JOINT MEMORIAL NO. 3,  
SENATE JOINT MEMORIAL NO. 5,  
SENATE JOINT MEMORIAL NO. 9,  
SUBSTITUTE SENATE JOINT RESOLUTION NO. 13,  
SENATE JOINT RESOLUTION NO. 14,  
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 2,  
SENATE CONCURRENT RESOLUTION NO. 3,  
SENATE CONCURRENT RESOLUTION NO. 4,  
SENATE CONCURRENT RESOLUTION NO. 5,  
SENATE CONCURRENT RESOLUTION NO. 10,  
and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

At 2:20 p.m., on motion of Senator Greive, the Senate was in recess until 3:30 p.m.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 3:30 p.m.

## MESSAGE FROM THE HOUSE

March 11, 1971.  
Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 25, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

## INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 25, relating to adjournment *SINE DIE*.  
On motion of Senator Greive, the rules were suspended, House Concurrent Resolution No. 25 was advanced to second reading and read the second time in full.

On motion of Senator Greive, the rules were suspended, House Concurrent Resolution No. 25 was advanced to third reading, the second reading considered the third and the resolution was adopted.

There being no objection, the Senate returned to the fourth order of business.

## MESSAGE FROM THE HOUSE

March 11, 1971.  
Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 25, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 41,  
HOUSE BILL NO. 75,  
HOUSE BILL NO. 720,  
HOUSE CONCURRENT RESOLUTION NO. 24,  
HOUSE CONCURRENT RESOLUTION NO. 25.

On motion of Senator Greive, the following resolution was adopted:



## SENATE RESOLUTION: 1971-25

By Senator Greive:  
**BE IT RESOLVED**, That a committee of three members of the Senate be appointed to notify the House that the Senate is ready to adjourn *Sine Die*.

## APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1971-25, the President appointed Senators Fleming, Scott and Jolly to serve as a committee of three to notify the House the Senate is ready to adjourn *SINE DIE*.

The committee retired.

There being no objection, the Senate returned to the fourth order of business.

## MESSAGE FROM THE HOUSE

March 11, 1971.

Mr. President: The Speaker has appointed as members of the Committee to notify the Governor that the House is ready to adjourn *sine die*: Representatives North, Pardini and King.

DONALD R. WILSON, Assistant Chief Clerk.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed under the provisions of House Concurrent Resolution No. 25, Senators Washington, Holman and Greive as a committee of three members from the Senate to notify the Governor that the Senate was about to adjourn *SINE DIE*.

On motion of Senator Greive, the appointments were confirmed.

The committee retired.

## MESSAGE FROM THE HOUSE

March 11, 1971.

Mr. President: The Speaker has signed:  
 SENATE BILL NO. 88,  
 SENATE BILL NO. 97,  
 SENATE BILL NO. 103,  
 and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## COMMITTEE FROM THE HOUSE

The Sergeant at Arms announced the arrival of a committee from the House of Representatives.

The committees from the House comprised of Representatives Harris, Jueling and Backstrom appeared before the bar of the Senate to notify the Senate that the House was about to adjourn *SINE DIE*.

The report was received.

## PRESIDENT'S PRIVILEGE

The President: "Honored members of the Senate, ladies and gentlemen, the President is sure that the members of the Senate, along with the President, would like to express our deepest appreciation to the wonderful staff of pages that we have had during the regular session of the Washington State legislature. They have been very mature and responsible in the performance of their duties and certainly have reflected great pride not only upon the Senate but upon themselves, their parents and their teachers. I am sure that every member and the President join in wishing you the very, very best of everything in your future life and we hope that it is as completely successful as you have been here at the Washington State Senate.

"Also to express our appreciation to the honorable Sid Snyder and the wonderful staff that he has established here to perform the rigorous and arduous duties that are necessary to accomplish the objectives of the Washington State Senate.

"Certainly the Senate and the President are deeply grateful to the members of the

sergeant at arms staff and to the security staff that have performed so very well during this rather rigorous period in our state's history. Of course, we should also mention that the members of the Washington State Patrol who have been assigned to the legislative building have performed their duties in a very responsible and capable manner which certainly reflects the high professionalism that exists in that particular department. The President and members of the Senate are positive that the members of the Washington State Patrol have continued to serve the people of our state and the legislature in the highly capable manner in which they have done since its inception."

#### PERSONAL PRIVILEGE

Senator Woodall: "Point of personal privilege, at this time speaking as one of the Republican members of the Senate. I certainly want to thank you for the fine way you conducted the joint session where we heard the Vice President of the United States. You handled every detail exactly right. You could not have done a better job if it would have been Hubert Humphrey. I would like to express my appreciation to you. You gave every courtesy to the office of the vice president, you rose above any consideration of partisanship. You were not saluting a Republican that day, you were saluting the Vice President and I commend you, sir, for the way you conducted that session."

Senator Andersen: "May the record show that Senator Woodall speaks for all of us on this side of the Senate."

#### PRESIDENT'S REPLY

The President: "Thank you very much, Senator Woodall and Senator Andersen."

#### PRESIDENT'S PRIVILEGE

The President: "Members of the Senate, I should like at this time to express my deepest appreciation to the members for the friendly and kind and courteous manner in which they have always treated the President. I am grateful to you, Senator Woodall, for your remarks, but I can remember an expression made by one football coach of another which sort of typifies the President and that is, after this one particular coach had won the championship of his league along with his football team, he said that even a blind hog rooting around will come up with an acorn once in awhile."

"I am more than grateful to Senator Wilson for his thoughtfulness. The President has been presiding here for a number of years and has become quite redundant in his choice of words. Senator Wilson exhibited extrasensory powers in that the President was thinking last weekend that he had better brush up on the adjectives and, as a matter of fact that is true, Senator. When you came up with this fabulous list, it really lifted me out of a rut of redundancy. I am more than happy to have such words as prodigious and dispassionate, flamboyant, exuberant, indefatigable, indispensable. Although you have created quite a task, Senator Wilson, I will have to go to the dictionary for a number of these before I use them. Thank you very much."

#### REPORT OF SPECIAL COMMITTEE

The Senate members of the special committee composed of Senators Jolly, Fleming and Scott appointed to notify the House that the Senate was ready to adjourn *SINE DIE* reported that the House had been notified.

The report was received and the committee was discharged.

#### REPORT OF SPECIAL COMMITTEE

The Senate members of the special committee composed of Senators Day, Holman and Washington appointed to notify the Governor that the legislature was about to adjourn *SINE DIE*, appeared before the bar of the Senate and reported that the committee had so notified the Governor and that the Governor was willing that the legislature adjourn *SINE DIE*.

The report was received and the committee was discharged.

#### MOTIONS

On motion of Senator Graive, the Senate Journal of the Sixtieth Day, Forty-Second Legislature, was approved.

At 4:05 p.m., on motion of Senator Greive, the Senate of the Forty-Second Legislature adjourned *SINE DIE*.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.